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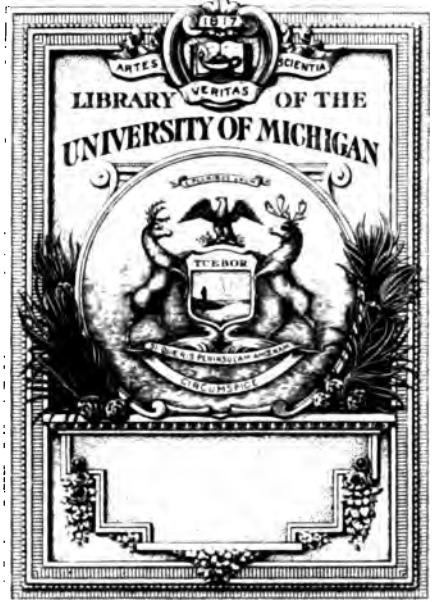
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**LOCAL ACTS**

OR

**THE LEGISLATURE**

OF THE

**STATE OF MICHIGAN**

PASSED AT THE

**REGULAR SESSION OF 1903**

WITH AN APPENDIX



BY AUTHORITY

LANSING, MICH.

**ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS  
1903**

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NOTE.—The words and sentences enclosed in brackets in the following acts were in the bills as passed by the Legislature, but not in the enrolled copies as approved by the Governor.

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## LOCAL ACTS, 1903.

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[No. 258.]

**AN ACT** to change the name of William Harvey of the city of Pontiac, Oakland county, Michigan, to William Harvey Lehman.

*The People of the State of Michigan enact:*

**SECTION 1.** The name of William Harvey of the city of ~~Name~~ Pontiac, Oakland county, Michigan, is hereby changed to ~~Name~~ Lehman.

Approved January 22, 1903.

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[No. 259.]

**AN ACT** to change the name of Fred C. LaBounty of the township of Blissfield, county of Lenawee, State of Michigan, to Fred C. Payne.

*The People of the State of Michigan enact:*

**SECTION 1.** The name of Fred C. LaBounty of the town-~~Name~~ ship of Blissfield, county of Lenawee, State of Michigan, is ~~Name~~ hereby changed to Fred C. Payne.

Approved January 22, 1903.

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[No. 260.]

**AN ACT** to authorize the board of supervisors of Bay county to issue bonds to the amount of one hundred and thirty-five thousand dollars, for the purpose of refunding sixty thousand dollars of stone road bonds, due July first, nineteen hundred and two, sixty thousand dollars Third street bridge bonds, due October first, nineteen hundred and three, and fifteen thousand dollars of Twenty-third street bridge bonds, due March tenth, nineteen hundred and three.

*The People of the State of Michigan enact:*

**SECTION 1.** It shall be lawful for the board of supervisors of Bay county to issue the bonds of Bay county to the amount <sup>Bond issued by</sup> ~~supervisors~~ of one hundred and thirty-five thousand dollars, for the pur-

pose of refunding sixty thousand dollars of stone road bonds, heretofore issued and due July first, nineteen hundred and two, sixty thousand dollars Third street bridge bonds heretofore issued and due October first, nineteen hundred and three and fifteen thousand dollars Twenty-third street bridge bonds, heretofore issued and due March tenth, nineteen hundred and three.

**Denomination,  
interest, etc.** SEC. 2. Said bonds shall be of such denomination as the board of supervisors shall direct, and shall be issued for a period not to exceed thirty years, and shall bear interest at a rate not exceeding four per cent per annum, interest to be paid semi-annually.

This act is ordered to take immediate effect.  
Approved January 22, 1903.

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[No. 261.]

AN ACT to authorize the district board of school district number one of the township of Grosse Pointe, in the county of Wayne, to issue the bonds of said school district to the amount of five thousand dollars, for the purpose of completing a new school building and paying outstanding orders.

*The People of the State of Michigan enact:*

**Bond issue  
by school  
district.** SECTION 1. That the district board of school district number one of the township of Grosse Point, in the county of Wayne, is hereby authorized to issue the negotiable coupon bonds of said district to the amount of five thousand dollars, for the purpose of providing funds to complete a new school building and paying outstanding orders of said district. Said bonds shall be designated as "School Building Bonds"; shall become due and payable not later than ten years after their date; shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and shall be in such form and of such denomination, and executed in such manner, as said district board may, by resolution, direct, and when issued and delivered for value, shall be valid and binding obligations of said school district.

This act is ordered to take immediate effect.  
Approved January 22, 1903.

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## [No. 262.]

AN ACT authorizing the township of Gun Plains, in the county of Allegan, to issue bonds to the amount of not more than twenty-five thousand dollars, for the payment for the construction of a bridge over the Kalamazoo river, on Main street in the village of Plainwell, in said township, known as the Main street bridge, and to provide for the manner of issuing the same.

*The People of the State of Michigan enact:*

SECTION 1. The township of Gun Plains, in the county of Allegan, is hereby authorized and empowered to issue bonds upon the faith and credit of such township, to an amount not exceeding twenty-five thousand dollars, and to use or negotiate the same for the purpose of raising money to pay for the construction of a bridge over the Kalamazoo river, on Main street in the village of Plainwell, in said township, known as Main street bridge, upon the conditions, under the circumstances and in the manner hereinafter provided. Bond issue by township.

Sec. 2. No such bonds shall be issued unless a majority of the qualified electors of said township, voting at a township meeting, a general election or a special election duly called to be held at a time to be fixed by the township board of said township, not more than sixty days after said board shall have decided to call said election, which shall be held at the same place as the last preceding township election was held, and conducted in the manner hereinafter provided, shall so determine; and the said township board is hereby authorized and empowered to submit the question of said bonding to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices, to be posted in five public places in said township, at least ten days before the time fixed for such election, which notices shall state the amount of money proposed to be raised by such bonding, and the purpose to which it shall be applied. Electors to vote on bond issue.

Sec. 3. The vote upon such proposition shall be by a printed ballot, or in the usual manner on the Abbott voting machine, in the following words, with the amount of the bonds to be issued, inserted: "For issuing township bonds not exceeding twenty-five thousand dollars for the purpose of constructing a bridge over the Kalamazoo river, on Main street, in the village of Plainwell, in said county, for a time not exceeding fifteen years and at a rate of interest not exceeding six per cent, (Yes). For issuing township bonds not exceeding twenty-five thousand dollars for the purpose of constructing a bridge over the Kalamazoo river, on Main street, in the village of Plainwell, in said county, for a time not exceeding fifteen years and at a rate of interest not exceeding six per cent, (No)." Such election shall be conducted and the votes thereat Election, how conducted. canvassed in all respects as in other township elections, and Vote to be by ballot. Form of.

immediately upon the conclusion of such canvass the inspectors of election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against it. Said inspectors shall endorse upon such certificate a declaration in writing of the result of such election, which certificate and declaration shall then be filed with the clerk of said township, and a copy thereof certified to by said township clerk shall be filed in the office of the clerk of Allegan county.

**When other elections may be held.**

SEC. 4. In case said proposition to so issue the bonds of said township shall be defeated at any such election, the said township is hereby authorized to hold other elections, under and by virtue of this act, for the purpose above mentioned.

**Rate of interest, etc., on bonds.**

SEC. 5. If such issue of bonds shall be authorized by a vote of the electors of said township, such bonds may be issued in such sums not exceeding the amount hereby authorized, payable at such times and place, not exceeding fifteen years from the date of such bonds, and with such rate of interest not exceeding six per cent per annum, as such township board shall direct by resolution. Said bonds shall be signed by the township board and countersigned by the township treasurer and negotiated by and under the direction of said board, and the moneys arising therefrom shall be used in paying for the construction of said bridge before mentioned.

**Tax for, how raised.**

SEC. 6. It shall be the duty of the said township board to provide for the raising by tax upon taxable property of such township, such sums of money annually as shall be sufficient to pay the amount of said bonds and interest thereon, as fast as the same shall become due.

**To be negotiated at par.**

SEC. 7. No bonds issued under and by virtue of this act shall be negotiated at less than their par value.

This act is ordered to take immediate effect.

Approved January 28, 1903.

[No. 263.]

AN ACT to authorize the township board of the township of Mikado, county of Alcona, to issue the bonds of said township to the amount of two thousand dollars for the purpose of paying for bridges now constructed, and to levy taxes sufficient for the payment of same and the interest thereon.

*The People of the State of Michigan enact:*

**Bond issue by township.**

SECTION 1. The township board of the township of Mikado, in the county of Alcona, is hereby authorized to issue the negotiable coupon bonds of said township to the amount of two thousand dollars, for the purpose of providing funds to pay for bridges now constructed in said township. Said bonds shall

be designated as "Bridge Bonds"; shall become due and payable not later than fifteen years from their date; shall bear <sup>Rate of interest.</sup> interest at a rate not exceeding five per cent per annum, payable semi-annually, and shall be in such form and of such denomination, and executed in such manner as said township board, by resolution, may direct, and when issued and delivered for value, shall be valid and binding obligations of said township.

SEC. 2. When said bonds are issued, the township board of <sup>Tax for, how levied.</sup> said township shall thereafter, annually, levy a direct tax, in addition to all other township taxes, sufficient in amount to meet the interest on said bonds promptly as the same matures, and also to establish and maintain a sinking fund which shall be sufficient to liquidate the principal of said bonds at maturity. Said annual tax shall be collected at the same time and in the same manner in each year as other township taxes are collected.

This act is ordered to take immediate effect.

Approved January 28, 1903.

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[No. 264.]

AN ACT to authorize the village of Otsego, in the county of Allegan, and State of Michigan, to borrow money and issue bonds therefor, the proceeds of which are to be used for the purchase of real estate for public grounds, parks, markets, public buildings, and for other purposes necessary or convenient for the public good, and to promote and make any public improvement in said village.

*The People of the State of Michigan enact:*

SECTION 1. The village council of Otsego, in the county of <sup>Bond issue by</sup> Allegan, shall be and is hereby authorized to borrow money on <sup>village.</sup> the faith and credit of the said village, and issue bonds therefor, to an amount not exceeding fourteen thousand dollars, which shall be expended for the purchase of real estate for <sup>Money, how</sup> public grounds, parks, markets, public buildings, and for other purposes necessary or convenient for the public good, and for the encouragement and promotion of any public improvement for the benefit of said village, under such rules and regulations as said village council shall prescribe: Provided, That a majority of the electors of said village, voting at an election held in accordance with the provisions of this act, shall vote in favor of the said loan in the manner specified in this act, and not otherwise.

SEC. 2. The question of raising the said money and issuing such bonds shall be submitted by the village council of the said village to the electors thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act,

<sup>Question to be submitted to</sup>  
<sup>electors.</sup>

entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, eighteen hundred ninety-five, and the amendments thereto, if any. The village council shall have the power to order a special election when it may, by said council, be deemed necessary to carry out the provisions of this act, and the proceedings had at such special election shall be the same as at general elections held within said village, except that those electors voting for the said loan shall have written or printed on their ballots the words: "For bonding the village to an amount not exceeding the sum of fourteen thousand dollars—Yes;" and those voting against the loan shall have written or printed on their ballots the words: "For bonding the village to an amount not exceeding the sum of fourteen thousand dollars—No."

Form of  
ballot.

Bonds, how  
negotiated,  
etc.

Tax for, to be  
raised.

SEC. 3. If said loan shall be authorized by a majority of the electors voting at such election such bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times, with such rates of interest, not exceeding six per cent per annum, as said village council shall direct, and shall be signed by the president of said village and countersigned by the clerk of said village, and negotiated by or under the direction of said village council; and the money raised therefrom shall be appropriated in such manner as said village council shall determine for the purposes aforesaid; and the said village council shall have the power, and it shall be their duty, to raise by taxes upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved January 28, 1903.

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[No. 265.]

AN ACT to change the name of Section Ten Lake, in the county of Missaukee, to Lake Sapphire.

*The People of the State of Michigan enact:*

Name  
changed

SECTION 1. The name of Section Ten lake, in the county of Missaukee is hereby changed to Lake Sapphire.

This act is ordered to take immediate effect.

Approved January 29, 1903.

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## [No. 266.]

**AN ACT to change the name of Muskrat lake, in the county of Missaukee, to Lake Missaukee.**

*The People of the State of Michigan enact:*

**SECTION 1. The name of Muskrat lake in the county of Mis- Name changed.  
saukee is hereby changed to Lake Missaukee.**

This act is ordered to take immediate effect.

Approved January 29, 1903.

## [No. 267.]

**AN ACT to detach certain territory from school district number three of the township of Chickaming, Berrien county, Michigan and from school district number three of the township of Weesaw, county of Berrien, State of Michigan, and to organize the same into fractional school district number three of the said townships of Chickaming and Weesaw.**

*The People of the State of Michigan enact:*

**SECTION 1. That all that part of section thirteen, now included in said school district number three, also the north half and southeast quarter of section twenty-four, town seven south, range twenty west, now in school district number three of said Chickaming township, be detached from said school district. And that section nineteen, the west half of section twenty, the south half of southwest quarter and the northwest quarter of section seventeen, the south seventy acres of the southeast quarter of section eighteen, the south thirty-six and one-quarter acres of southwest quarter of section eighteen, town seven south, range nineteen west, be detached from said school district number three. And that said foregoing described territory be organized into and be hereafter known as fractional school district number three of the townships of Chickaming and Weesaw, to be organized in the same manner as school districts are organized under the general law.**

Territory de-  
tached from  
school dis-  
tricts.

Organized into  
new district.

This act is ordered to take immediate effect.

Approved January 30, 1903.

[No. 268.]

AN ACT to cure the irregularity in action of the common council of the city of Grand Rapids, and of the vote of the electors of said city taken April seventh, nineteen hundred two, upon the issue of fifty thousand dollars of bonds for the construction of bridges across Grand river at Bridge street and Wealthy avenue, and to authorize the common council of the city of Grand Rapids to issue such bonds for the construction of said bridges.

*The People of the State of Michigan enact:*

Action of  
council legal-  
ized.

SECTION 1. The action taken by the common council of the city of Grand Rapids providing for a vote upon the issuing of fifty thousand dollars bonds for the construction of bridges over Grand river at Wealthy avenue and Bridge street, the principal to run for twenty-five years from the date when issued (instead of twenty years as provided in the charter of said city), and to draw interest at not to exceed four per cent per annum, payable semi-annually, and the vote of the electors of said city on the seventh day of April, nineteen hundred two, thereon, and the irregularity therein in fixing the term of such bonds at twenty-five years, is hereby cured and such action validated. And the common council of the city of Grand Rapids by a majority vote of its members elect is hereby authorized at any time within one year from the date this act is given effect to issue fifty thousand dollars of its bridge bonds for the construction of said bridges at Bridge street and Wealthy avenue across Grand River, the principal of the same to be made payable twenty-five years from the date of their issuance, to draw interest not to exceed four per cent per annum, payable semi-annually, and in the manner provided by the charter of the city of Grand Rapids, except as herein otherwise provided.

May issue  
bonds.

This act is ordered to take immediate effect.

Approved January 30, 1903.

[No. 269.]

AN ACT to authorize the district board of School District number six of the township of Royal Oak, in the county of Oakland, to issue the bonds of said school district to the amount of three thousand dollars for the purpose of completing a new school building and paying outstanding orders.

Bond issue  
by school  
district.

*The People of the State of Michigan enact:*

SECTION 1. The district board of school district number six of the township of Royal Oak, in the county of Oakland, is hereby authorized to issue negotiable coupon bonds of said

district to the amount of three thousand dollars for the purpose of providing funds to complete a new school building and paying outstanding orders of said district. Said bonds shall be designated as "School Building Bonds," shall become due and payable not later than ten years after their date, shall bear interest at a rate not exceeding four and one-half per cent per annum, payable semi-annually, and shall be in such form and of such denomination and executed in such manner, as said district board may, by resolution, direct, and when issued and delivered for value shall be valid and binding obligations of said school district. Rate of interest

This act is ordered to take immediate effect.

Approved February 5, 1903.

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[No. 270.]

AN ACT to amend sections nine and ten of chapter nineteen of act number four hundred thirty-four of the Local Acts of the State of Michigan for the year eighteen hundred ninety-five, approved May twenty-fourth, eighteen hundred ninety-five, entitled "An act to incorporate the city of Three Rivers, and to repeal act number one hundred sixty-one of the Session Laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteenth, eighteen hundred fifty-five, and all amendments thereto."

*The People of the State of Michigan enact:*

SECTION 1. Sections nine and ten, of chapter nineteen, of Sections act number four hundred thirty-four of the Local Acts of the State of Michigan for the year eighteen hundred ninety-five, approved May twenty-fourth, eighteen hundred ninety-five, entitled "An act to incorporate the city of Three Rivers, and to repeal act number one hundred sixty-one of the Session Laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteenth, eighteen hundred fifty-five, and all amendments thereto," be amended so that said sections of said chapter shall read as follows:

## CHAPTER XIX.

SEC. 9. The council shall have power to grade, pave, re-pave, plank, gravel, curb, recruit and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose and for defraying the expense thereof, may divide the city into street districts. The terms Council may  
pave streets,  
etc.

**"paving" and "repaving" shall be deemed to include the construction of crosswalks, gutters and curbing.**

**Council to determine out of what fund expense to be paid.**

SEC. 10. Such part of the expense of improving any street, lane, or alley, by grading, paving, repaving, planking, graveling, curbing, recurbing or otherwise, and of repairing the same, as the council shall determine, may be paid from the general fund; or the whole or such part of the expense of such grading, paving, repaving, planking, graveling, curbing, recurbing or otherwise improving any street, lane or alley, as the council shall determine, may be defrayed by special assessment upon the lots and premises included in a special assessment district to be constituted of the lands fronting upon that part of the street, lane or alley so improved or proposed so to be; or constituted of lands fronting upon such improvements and such other lands as, in the opinion of the council may be benefited by the improvement. Such part of such expense of so improving any street, lane or alley, as the council shall determine, may be defrayed by special assessment upon the lots and premises abutting upon such street, lane or alley, according to frontage thereon, without constituting a special assessment district.

**When defrayed by special assessment.**

This act is ordered to take immediate effect.

Approved February 5, 1903.

[No. 271.]

**AN ACT to provide for a re-survey and a re-platting of the city of Muskegon and the additions thereto and the subdivisions thereof, and to establish such new plat as the legal plat of the city of Muskegon.**

*The People of the State of Michigan enact:*

**Council may cause re-survey.**

SECTION 1. That the council of the city of Muskegon be, and said council is, hereby authorized to order and cause a re-survey to be made of the city of Muskegon or any part thereof, and of all streets, alleys, lanes and public grounds therein, when it may deem such re-survey necessary, and to re-number the lots and blocks and to rename the additions and subdivisions of said city of Muskegon and to order and to cause the same to be replatted: Provided, that the vested rights of any person or persons shall not thereby be diminished nor in any manner impaired.

**Proviso.**

**Plat to include whole city.**

SEC. 2. Such plat or plats of the city of Muskegon may be made to include in one plat the whole of the city of Muskegon, whether heretofore platted or unplatte, including the several additions thereto and the several subdivisions thereof.

**By whom approved, where filed, etc.**

SEC. 3. Said plat or plats, when so made, shall be adopted and approved by the council of said city of Muskegon, and when so adopted and approved, said map or plat shall be filed

in the office of the city recorder of said city of Muskegon and a copy thereof shall be recorded in the office of the register of deeds of the county of Muskegon and filed in the office of the county treasurer of the county of Muskegon and filed in the office of the Auditor General of the State of Michigan: <sup>Pro-  
vviso.</sup> provided, however, that for convenience in such recording and filing, said map or plat may be divided into parts.

SEC. 4. After the adoption and approval of said map or plat by the council of said city of Muskegon, it shall be the authenticated and legal map of said city of Muskegon and shall stand in lieu of all other plats of the territory included in such new plat and shall be used by the assessing officers of the city of Muskegon, in making all assessments and in levying all taxes and shall be admitted in evidence in all courts without further proof than proof of its adoption by the council of said city of Muskegon, or of its recording in the office of said register of deeds, if a copy be offered: <sup>When to be  
come legal  
map of city.</sup> Provided, however, that nothing in this act contained, shall render invalid or in anywise affect any conveyance or assessment of taxes which has been heretofore, or may be hereafter made, according to the description of lands as contained in the present plats of the city of Muskegon and the additions thereto and the subdivisions thereof, and <sup>Further  
proviso.</sup> Provided, further, that all proceedings for the collection of taxes levied and assessed prior to the adoption of any plat herein provided shall be according to descriptions and plats heretofore existing.

SEC. 5. After said map or plat shall have been adopted, <sup>Maps to be  
printed,  
bound, etc.</sup> recorded and filed as provided in this act, the council of said city of Muskegon shall cause to be made at least four copies of all the descriptions of the lots, pieces and parcels of land in said city of Muskegon, as shown in the last preceding assessment roll of said city, and shall cause to be placed opposite each of said descriptions of land the corresponding descriptions of said lot, piece or parcel of land, as shown by said map or plat provided for in this act. Said copies shall be securely bound in book form. One copy of said book shall be filed in the office of the city assessor of said city of Muskegon, and one copy in the office of the city treasurer of said city of Muskegon, and one copy in the office of the county treasurer of the county of Muskegon, and one copy in the office of the Auditor General of the State of Michigan. The city assessor of said city shall attach to each of said copies his certificate that the same is a true and compared copy. <sup>Copies, to  
whom deliv-  
ered.</sup>

SEC. 6. The necessary expense of carrying into effect the provisions of this act shall be audited and paid in the same manner as other expenses of said city are audited and paid. <sup>Expense,  
how audited.</sup>

This act is ordered to take immediate effect.

Approved February 11, 1903.

[No. 272.]

AN ACT to amend an act entitled, "An act to incorporate the city of Ionia," being act two hundred nineteen of the Local Acts of the State of Michigan for the year eighteen hundred seventy-three, as amended by the several acts amendatory thereof, by adding nine new sections thereto to stand as sections one hundred eighteen, one hundred nineteen, one hundred twenty, one hundred twenty-one, one hundred twenty-two, one hundred twenty-three, one hundred twenty-four, one hundred twenty-five and one hundred twenty-six.

*The People of the State of Michigan enact:*

**Act amended.** SECTION 1. An act, entitled "An act to incorporate the city of Ionia," being act number two hundred nineteen of the Local Acts of the State of Michigan for the year eighteen hundred seventy-three, as amended by the several acts amendatory thereof, be and the same is hereby amended by adding nine new sections thereto, to stand as sections one hundred eighteen, one hundred nineteen, one hundred twenty, one hundred twenty-one, one hundred twenty-two, one hundred twenty-three, one hundred twenty-four, one hundred twenty-five and one hundred twenty-six, and which said sections so added shall read as follows:

**Council may receive donations for library.** SEC. 118. The city council of the city of Ionia shall have authority to receive donations of money, personal property or real estate, for the purpose of being used in maintaining a public library and reading room for the use and benefit of the inhabitants of said city, the title to which property shall be taken in the name of the city of Ionia, and shall be held and controlled by said city according to the terms and conditions of donation, through and by direction of a board of directors appointed by the mayor of the city, as hereinafter set forth. Said public library shall be named by the board of directors so as to perpetuate the name of the donors of the buildings and grounds.

**Library, how named.** SEC. 119. Said property so received by donation shall be used by the city and inhabitants of said city, in conformity to the deed or contract of donation for library purposes, and for such other purposes as shall not be inconsistent with the terms under which said property is donated to and accepted by the city.

**Donated property; how used.** SEC. 120. The city council shall establish and maintain a public library and reading room for the use and benefit of the inhabitants of said city and shall make and levy annually not less than one-half mill and not to exceed one mill on the dollar on all taxable property in the city, such taxes to be levied and collected in like manner as other general taxes of said city, and to be known as the "Library Fund," and when raised and collected, such money shall be used for the purposes for which the taxes were levied and for no other purpose, and the library board of directors, appointed as herein provided, shall have

**Council to establish library.**

authority to use the fund to carry out the provisions and conditions of the deed or contract of donation, of any property accepted by the common council for library purposes, and for such other library purposes as they may deem expedient.

SEC. 121. The mayor of the city of Ionia shall, with the approval of the common council on or before the first day of June, nineteen hundred three, appoint a board which shall be known as, the "Library Board of Directors," to consist of six members, two of whom shall be appointed for one year, two for two years and two for three years from June first, nineteen hundred three, and each year thereafter the mayor shall, on or before June first, appoint, with the approval of the common council, two members to fill the vacancies. And he shall also have authority, with the approval of the common council, to fill vacancies in the board of directors occasioned by removal, resignation or otherwise, which shall be filled in the same manner as the original appointments; any director appointed to fill vacancies shall hold for the unexpired term, and no director shall receive compensation for any duties performed by him or her as library director. Said directors shall be appointed from the citizens at large, without regard to their political affiliations and wholly with reference to their fitness for such office, and at least three of the directors shall be women. Said directors shall, before they enter upon the duties of the office, take the constitutional oath of office. The mayor of the city of Ionia shall be ex-officio member of said board of directors.

SEC. 122. The mayor of the city of Ionia, together with three of the board, or any four of said board, shall constitute a quorum for the transaction of business.

SEC. 123. Said board of library directors shall immediately after appointment, meet and organize by the election of one of their number as president and the election of such other officers as they may deem necessary, said president and officers to hold their offices for one year or until their successors are elected and qualified. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room and property under their control, as may be deemed expedient, not inconsistent with law or inconsistent with the terms or conditions under which the common council have accepted any property by donation. They shall have exclusive control of the expenditure of all moneys so collected to the credit of the library fund and have the construction or repair of any library buildings and of the supervision and care and custody of the grounds, rooms or buildings constructed, leased or set apart for the purpose: Provided, That all moneys received for said library shall be deposited in the treasury of the city to the credit of the library fund and shall be kept separate and apart from all other moneys of said city and drawn upon by the proper officials of said city upon the properly authenticated vouchers of the library board, certified by the president and

Mayor to ap-  
point library  
directors.

May fill  
vacancy.

Three women  
directors.

Officers of  
board.

By-laws, etc.

Proviso.

**Appointment of librarian, etc.** secretary thereof. Said board shall have power to appoint a suitable librarian, necessary assistants, janitors and such other officers or employees as they may deem necessary for taking the proper care of any buildings or property used and in the charge of said board, and to fix the compensations of the persons in their employ, and shall also have the power to remove such employes, and shall, in general, carry out the spirit and intent of this act.

**Library to be free.** SEC. 124. The library and reading room established under this act, shall be forever free to the use of the inhabitants of the city of Ionia, and such parties adjacent to said city as the library board shall determine, always subject to such reasonable rules and regulations as the library board may adopt, and said board may exclude from the use of said library and reading room, any and all persons who shall wilfully violate such rules.

**Library board to report to council.** SEC. 125. Said board shall make at the end of each and every year from and after the organization of such library, a report to the city council stating the condition of their trust at the date of said report, the several sums of money received for the library fund from other sources, how it was expended and for what purpose; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year, the number lost or missing; the number of visitors attending; the number of books loaned out and the general character and kind of such books, and such other statistics, information and suggestions as they may deem of general interest. All such portion of such report as relates to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing and books purchased, shall be certified by the librarian and approved by a majority of the board of library directors.

**Council may pass ordinances relative to government of.** SEC. 126. The city council of said city shall have power to pass ordinances imposing suitable penalty for the punishment of persons committing injury upon such library and on the grounds or other property thereof, or for wilful injury or failure to return any books belonging to such library, and for such other purposes relating to such library and library property, as shall be necessary to properly protect all the interests and property thereof.

This act is ordered to take immediate effect.

Approved February 11, 1903.

## [No. 273.]

AN ACT to amend section eighteen of title twenty-eight of act number two hundred seventy-one of the Local Acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Holland," approved March eighth, eighteen hundred ninety-three, as amended by act number four hundred twenty-seven of the Local Acts of eighteen hundred ninety-nine, approved June first, eighteen hundred ninety-nine.

*The People of the State of Michigan enact:*

SECTION 1. Section eighteen of title twenty-eight of an act, entitled "An act to reincorporate the city of Holland," approved March eighth, eighteen hundred ninety-three, as amended by act number four hundred twenty-seven of the Local Acts of eighteen hundred ninety-nine, approved June first, eighteen hundred ninety-nine, shall be amended so as to read as follows:

SEC. 18. For the purpose of meeting the expenses of improving streets, avenues, and public grounds of the city by paving, graveling, grading or otherwise, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may, by resolution, authorize the borrowing of a sum of money equal to the amount of the cost of the whole improvement and not exceeding fifty thousand dollars in any one year, and to issue the bonds of the city therefor, bearing interest at a rate not exceeding six per cent per annum, with interest coupons attached. Said bonds shall be made payable in equal amounts each year for a period not exceeding five years from the time of issuing them. The said bonds shall be called "Street Improvement Bonds" and the same shall not be sold for less than par. The proceeds of said bonds shall be paid to the city treasurer and placed to the credit of the street improvement bond fund. The said bonds shall be paid at maturity and shall not be reissued or refunded.

This act is ordered to take immediate effect.

Approved February 11, 1903.

[No. 274.]

AN ACT to authorize the counties of Baraga and Iron to construct or purchase, own and maintain one or more hospitals, pest-houses or quarantine buildings, and to provide the means for constructing or purchasing, maintaining and managing the same.

*The People of the State of Michigan enact:*

**May construct and maintain hospitals, etc.** SECTION 1. That the said counties of Baraga and Iron are hereby authorized and empowered to purchase the necessary lands and erect thereon, or otherwise provide one or more hospitals, pest-houses or quarantine buildings within the limits of their respective counties, and to provide for the appointment of the necessary officers, attendants or employes, for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as the board of supervisors of the respective counties of Baraga and Iron shall deem proper, and to fix the compensation of such employes, and by the direction of the said boards of supervisors or the county physician, persons having any malignant, infectious or contagious disease, or who have been exposed to any such disease, may be removed to such hospital, pest-house or quarantine buildings, and there detained and treated, when the public safety may so require; and the said boards of supervisors may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital, pest-house or quarantine buildings until duly discharged.

**Who to have control of.** SEC. 2. The said boards of supervisors shall also have, and exercise within and for the counties, all the powers and authority conferred upon boards of health by chapter forty-six of the Compiled Laws of eighteen hundred ninety-one, and all amendments thereto, being chapter thirty-nine of Howell's Annotated Statutes of the State of Michigan, so far as the same are applicable and consistent with this act, and they may enact such rules and regulations as may be proper for regulating the proceedings and mode of exercising such powers and authority.

This act is ordered to take immediate effect.

Approved February 11, 1903.

**Statutes applied to board of supervisors.**

## [No. 275.]

AN ACT to attach to school district number one of the township of Stanton, in the county of Houghton, all the territory in said township, not now included in said school district number one.

*The People of the State of Michigan enact:*

SECTION 1. That all of the territory comprising the township of Stanton in the county of Houghton, Michigan, not included within the limits of school district number one of said township as now existing, be and the same is hereby added to and attached to said school district number one of said township of Stanton; and the entire territory of said township of Stanton shall hereafter constitute one school district to be known as school district number one of said township; and the members of the present district board of said district number one, as heretofore existing, shall constitute and remain as the district board of said district as the same shall hereafter exist hereunder during their respective terms of office, and until their successors and electors are duly elected and qualified under the general school laws of this State; and except as herein otherwise provided, said district shall be subject to and shall have all the privileges conferred by the general laws of this State applicable to school districts therein; Provided, however, that nothing in this act shall be construed as in any manner limiting or affecting the power of the school inspectors of said township with relation to the division or alteration of said school district in the manner provided by law.

This act is ordered to take immediate effect.

Approved February 12, 1903.

Township to  
constitute  
schooldistrict.

District board  
to remain in  
office.

Proviso.

## [No. 276.]

AN ACT to legalize the action of the boards of school inspectors of the township of Hancock and the township of Stanton, in the county of Houghton, with reference to the apportionment of the indebtedness of school district number one of the township of Hancock between said school district number one of the township of Hancock and school district number one of the township of Stanton, and to provide for the payment of that portion of said indebtedness apportioned to said township of Stanton.

*The People of the State of Michigan enact:*

SECTION 1. That the action of the boards of school inspectors of the township of Hancock and the township of Stanton, in the county of Houghton, whereby the debts owing by school

Action of  
board of in-  
spectors  
legalized.

district number one of the township of Hancock, from which township and school district territory had been detached to constitute said township of Stanton, were apportioned between school district number one of said township of Hancock and school district number one of said township of Stanton, namely, so that said school district number one of the township of Stanton should be charged with and pay as its share of said debts, the aggregate sum of twenty-five thousand dollars of the principal thereof, together with the interest to accrue thereon, namely, the following amounts of the several issues of bonds of the said school district number one of the township of Hancock, namely, of the issue of bonds of June first, eighteen hundred ninety-three, the sum of seven thousand dollars; of the issue of bonds of July twenty-fifth, eighteen hundred ninety-four, the sum of three thousand dollars; of the issue of bonds of June twenty-ninth, nineteen hundred, the sum of seven thousand dollars, and of the issue of bonds of May first, nineteen hundred one, the sum of eight thousand dollars, and so that said school district number one of the township of Hancock as at present existing since its division, be charged with and pay as its share of said indebtedness the balance of the principal sum of said several issues of bonds, together with the interest to accrue thereon, and whereby all the real estate, school buildings and school property formerly belonging to said school district number one of the township of Hancock before said division, which are situated in that portion of said township of Hancock, which was set off therefrom and now constitutes the said township of Stanton, shall be and remain the property of said school district number one of the township of Stanton, and all the real estate, school buildings and school property formerly belonging to school district number one of the township of Hancock before said division which were in the remaining portion of said township of Hancock now constituting the township of Hancock, shall be and remain the property of said school district number one of the township of Hancock as now existing, be and the same is hereby declared to be valid and legal in every respect, and that said apportionment above mentioned so made stand as a full adjustment, settlement and apportionment of all the moneys, rights, credits and personal property of said school district number one of the township of Hancock as formerly existing, and of all lands and property of which the said school district was seized, and of all debts owing by said school district from which said territory was detached.

**Indebtedness  
to be valid  
against Stan-  
ton township.**

SEC. 2. That that part of the indebtedness of said school district number one of the township of Hancock existing before said division apportioned as above to the said school district number one of the township of Stanton, be and the same is hereby declared to be a valid and subsisting obligation of said township of Stanton, and the district board of said district is hereby authorized to raise by tax each year hereafter.

in addition to all other sums authorized by law to be so raised, a rateable proportion of said indebtedness and the interest thereon in such amounts as that the funds shall be on hand to pay said indebtedness and said interest as the same matures, said tax to be levied and collected as other taxes are levied and collected; Provided, that no moneys raised by such tax <sup>Proviso.</sup> shall be used for any other purpose than the payment of said indebtedness and the interest to accrue thereon: And provided further, That the benefits of said settlement and of this act shall inure to the said school district number one of the township of Hancock as now existing, as well as to any school district or districts to be hereafter formed therefrom whether by action of the school inspectors of said township or by the incorporation of any portion of its territory into a city or otherwise.

This act is ordered to take immediate effect.

Approved February 12, 1903.

Further proviso.

[No. 277.]

AN ACT to legalize the action of the township boards of the township of Hancock and the township of Stanton, in the county of Houghton, in apportioning the indebtedness of said township of Hancock between said two townships, and to provide for the payment of that part of said indebtedness apportioned to said township of Stanton.

*The People of the State of Michigan enact:*

SECTION 1. That the action of the township boards of the township of Hancock and the township of Stanton in the county of Houghton, whereby the debts owing by the said township of Hancock from which territory has been detached to constitute said township of Stanton were apportioned between said two townships, namely, so that said new township of Stanton should be charged with and pay as its share of said debts the sum of seventy-five hundred dollars of the principal thereof, and the interest to accrue thereon, and so that said township of Hancock as at present existing since said division, should be charged with and pay as its share of said debts the sum of seventy-five hundred dollars of the principal thereof and the interest to accrue thereon, be and the same is hereby declared to be valid and legal in every respect; that the apportionment of the debts so made stand as a full adjustment, settlement and apportionment of all the moneys, rights, credits and personal property belonging to said township of Hancock so divided as aforesaid, and of all land of which said township from which said territory was detached was seized, and of all debts owing by said township from which said territory was detached at the time of such division.

Action of  
township  
boards legal-  
ized.

**Stanton township to assume obligation.**

**Proviso.**

SEC. 2. That that part of the indebtedness of said township of Hancock existing before said division, apportioned to the said township of Stanton, be and the same is hereby declared to be a valid and subsisting obligation of said township of Stanton, and that the said township board of said township of Stanton be and it is hereby authorized, in addition to all other taxes authorized by law, to assess upon the assessment rolls of said township in each year, such sum as in the judgment of said township board shall be sufficient to provide for a sinking fund for, and for the payment of said indebtedness when the same shall become due and until the same shall have been paid: Provided, That no moneys raised by such assessment shall be used for any other purpose than the payment of the said indebtedness and the interest to accrue theron.

Approved February 12, 1903.

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[No. 278.]

AN ACT to legalize the action of the board of supervisors of the county of Houghton in detaching certain lands from the township of Hancock in said county, and organizing the same into a new township, known as the township of Stanton.

*The People of the State of Michigan enact:*

**Organization of Stanton township legalized.**

**Proviso.**

SECTION 1. That the action of the board of supervisors of the county of Houghton in detaching certain lands from the township of Hancock in said county and organizing the same into a new township known as the township of Stanton, which action was had by the said board of supervisors by its resolution passed on the fourteenth day of April, nineteen hundred two, be and the same is hereby declared to be legal and valid in every respect, and that the further action of said board of supervisors in detaching certain other lands from said township of Hancock and attaching the same to said township of Stanton, so organized, which action was had by the resolution of said board of supervisors passed on the ninth day of December, nineteen hundred two, be and the same is hereby declared to be legal and valid in every respect, and that the township of Stanton as organized and as existing by said resolutions of said board of supervisors be and the same is hereby declared to be a legally organized and existing township of the said county of Houghton: Provided, That nothing in this act contained shall be construed as limiting or in any way affecting the power of said board of supervisors hereafter to divide or alter in its bounds the said township of Stanton in the manner provided by law.

Approved February 12, 1903.

## [No. 279.]

AN ACT to authorize the village of Houghton, in the county of Houghton, to borrow money and issue bonds therefor for the purpose of providing for and constructing a sewer on Shelden street in said village, together with the necessary connections and branches on cross streets intersecting said Shelden street.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the village of Houghton, in the county of Houghton, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village and to issue bonds therefor to an amount not exceeding twenty-five thousand dollars, to be used for the purpose of providing and constructing a sewer on Shelden street in said village, together with the necessary connections and branches on cross streets intersecting said Shelden street: Provided, That a majority of the qualified electors of said village, who are present and voting on said proposition at any annual election or at a special election called for that purpose, shall vote therefor.

SEC. 2. Before any loan provided for in this act shall be voted upon at any such election, a public notice shall be given by order of the common council, signed by the clerk of said village, by publishing the same in a newspaper in said village once in each week for at least two weeks before said election, and by posting a copy of such notice in at least three public places in said village not less than two weeks before said election, and said notice shall state that the electors of said village will be called upon to vote upon such loan. The said common council is hereby authorized and empowered to call a special election at any time in its discretion for the above named purpose and in the manner aforesaid, or to submit said proposition at any annual election in said village.

SEC. 3. The vote upon said proposition under the provisions of this act shall be by ballot, and the said common council shall cause to be prepared ballots for the use of the electors desiring to vote upon said proposition, which shall be substantially in the following form: at the top of each ballot shall be printed the words: "Vote on proposition to borrow money," under which heading shall be placed a square followed by the words: "For the Loan," and under which shall be placed another square followed by the words: "Against the Loan." Electors using said ballots shall mark the same with a cross in the appropriate square, and said ballots shall be deposited in a separate ballot box to be labeled "Village Loan." The other proceedings had with respect thereto shall be held under the provisions of the election laws of this State applicable to said village, and the votes cast upon said proposition shall be counted and canvassed as other votes at village elections.

**When bonds  
to be issued.**

SEC. 4. If such loan shall be authorized by a majority of such electors voting upon said proposition at such election, coupon bonds may be issued in such sums, not exceeding in the aggregate the amount herein before limited, payable at a time or times not exceeding thirty years, with such rate of interest not exceeding six per cent per annum as the said common council shall direct. Said bonds shall be signed by the president, countersigned by the clerk of said village, sealed with the seal of said village, and negotiated by or under the direction of said common council. The money arising therefrom shall be used for the purpose mentioned in section one of this act and for no other purpose. Said common council shall have power and it shall be its duty to raise by taxes upon the taxable property of said village such sum or sums of money from time to time as shall be sufficient to pay the amount of said bonds and the interest thereon as the same shall become due; or to provide a sinking fund for the payment of said bonds, which taxes so to be assessed may be in addition to all other taxes which said village is now authorized to raise.

This act is ordered to take immediate effect.

Approved February 17, 1903.

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[No. 280.]

AN ACT to amend section one of act number two hundred eleven of the Local Acts of Michigan of eighteen hundred ninety-one, entitled "An act to incorporate the city of St. Louis, in Gratiot county, and to repeal act number three hundred seventy-eight of the Local Acts of eighteen hundred eighty-seven," approved March fourth, eighteen hundred eighty-seven, as amended by "act number three hundred fifteen of the Local Acts of Michigan of eighteen hundred ninety-nine."

*The People of the State of Michigan enact:*

**Section  
amended.**

SECTION 1. That section one of act number two hundred eleven of the Local Acts of eighteen hundred ninety-one, entitled "An act to incorporate the city of St. Louis, in Gratiot county, and to repeal act number three hundred seventy-eight of the Local Acts of eighteen hundred eighty-seven," as amended by "Act number three hundred fifteen of the Local Acts of eighteen hundred ninety-nine" be and the same is hereby amended so as to read as follows:

**Territory city  
to contain.**

SECTION 1. That the following described territory, to wit: The south one-half of the northwest fractional quarter of section nineteen, the southwest fractional quarter of section nineteen, and the northwest fractional quarter of section thirty in township twelve north of range two west, and the northeast

quarter of section twenty-five, the southeast quarter of section twenty-four, and the south one-half of the northeast quarter of section twenty-four, all that portion of the southwest quarter of section twenty-four, lying and being east of the west margin of the mill pond, and north of the highway on south side of said section twenty-four, in township twelve north of range three west, and the west half of the southwest quarter of the southeast quarter of section nineteen in township twelve north of range two west, in Gratiot county, Michigan, be incorporated into and the same is hereby made, constituted and organized into a city to be known by the name of the city of St. Louis."

This act is ordered to take immediate effect.

Approved February 20, 1903.

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[No. 281.]

**AN ACT to incorporate the village of Peck in the county of Sanilac.**

*The People of the State of Michigan enact:*

**SECTION 1.** That all that territory situate and being in the <sup>Territory to contain.</sup> township of Elk, in the county of Sanilac and State of Michigan and described as follows to wit: The north half of section thirty-four and the south half of section twenty-seven, all in town ten, north range fourteen east, Sanilac county, Michigan, be and the same is hereby incorporated as the village of Peck.

**SEC. 2.** The first election of officers of said village of Peck <sup>First election.</sup> shall be held on Monday, March thirtieth, one thousand nine hundred three in the township hall in said village of Peck, notice of which shall be given by publication in the Sanilac County Times or any weekly paper printed and circulated in said village. Said notice shall be signed by the board of election inspectors hereinafter designated.

**SEC. 3.** Arthur Toal, H. M. Waterman, John Leonard, John L. McGrory and G. B. Cornell are hereby constituted a board of election inspectors and election commissioners for said first election to be held in said village, for the purpose of registering the names of voters for the first election to be held in said village. And the said board of registration is hereby required to meet at said township hall building on the Saturday next preceding the said March thirtieth, one thousand nine hundred three and shall remain in session from nine o'clock in the forenoon until five o'clock in the afternoon and register all persons presenting themselves for registration and having the qualifications of voters at annual township meetings and residing within said village. Notice of such meeting shall be published in said Sanilac County Times at least one week before said meeting, signed by said board of registration.

**When notice  
of election to  
be given.**

**SEC. 4.** The election inspectors shall give notice of the time and place of holding such election as provided in section two of the act, at least one week immediately preceding said election. At such election the polls shall be opened at nine o'clock in the forenoon and shall be closed at five o'clock in the afternoon.

**Village, how  
governed.**

**SEC. 5.** The said village of Peck shall in all things not herein otherwise provided be governed by an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February twentieth, one thousand eight hundred ninety-five and amendatory acts thereto.

**When may  
hold second  
election.**

**SEC. 6.** In case the said officers are not elected at the time designated in section two of this act, an election for officers may be held within thirty days after the time so designated, the notice being given as provided in said section.

This act is ordered to take immediate effect.

Approved February 26, 1903.

[No. 282.]

**AN ACT to authorize the township of Jasper in the county of Midland, to borrow the sum of one thousand dollars upon the faith and credit of said township, for the purpose of building a town hall in said township.**

*The People of the State of Michigan enact:*

**Bond issue for  
town hall.**

**SECTION 1.** For the purpose of constructing a town hall in the township of Jasper in the county of Midland, for the use of the township and the inhabitants thereof, the township board of said township is hereby authorized to submit to the electors of said township at its annual township meeting, to be held on the first Monday in April, in the year nineteen hundred three, a proposition to raise the sum of one thousand dollars by loan, at a rate of interest not to exceed five per centum per annum, to be voted upon by ballot. Notice of the submission of said proposition shall be given at the same time and in the same manner as notices required for annual township elections. The ballots shall be printed and shall read,

"( ) For the loan of \$1,000."

"( ) Against the loan of \$1,000."

The election board of said township shall canvass and count the votes cast for and against said proposition to loan and certify the same, at the same time and place that the votes for the several township officers to be elected, are canvassed and counted.

**When bonds  
may be issued.**

**SEC. 2.** If such proposition be approved by a majority vote of said electors present and voting at said election, the township board of said township may immediately thereafter, make

such loan, and issue the bonds of said township for the payment thereof, with the interest thereon; said bonds to mature within such time as may be fixed by said township board, not exceeding four years from the date thereof.

This act is ordered to take immediate effect.

Approved February 26, 1903.

[No. 283.]

AN ACT to amend sections two, ten and eleven of an act, entitled "An act to incorporate the public schools in the village of Delray, in the county of Wayne," approved April fourth, nineteen hundred one.

*The People of the State of Michigan enact:*

SECTION 1. Sections two, ten and eleven of an act, entitled ~~Sections amended.~~ "An act to incorporate the public schools in the village of Delray, in the county of Wayne," approved April fourth, nineteen hundred one, are hereby amended so as to read as follows:

SEC. 2. The right and title to all the property, real and personal, belonging to either of said school districts number one, number two and number seven, situate within the boundaries of said village, shall pass to and vest in said public schools of Delray. All contract rights and all indebtedness and contract obligations of every name and nature now existing in favor of or against said district number two, are hereby transferred to, vested in and imposed upon said public schools of Delray. All contract rights and all indebtedness and contract obligations of every name and nature existing and outstanding against either of said school districts, number one or number seven, shall be wholly paid and discharged by each of said districts respectively. The rights and liabilities of the several school districts in this act referred to, as between themselves, shall be adjusted as follows: Said public schools of Delray shall pay to the assessor of said school district number one the sum of nine thousand one hundred forty-six dollars and seventy-seven cents, together with interest thereon at the rate of six per cent per annum, from the date of the approval of this act, which shall be applied exclusively in payment of the bonded indebtedness of said school district number one; said public schools of Delray shall pay to the assessor of said school district number seven the sum of two thousand four hundred sixty-six dollars and forty-five cents, together with interest thereon at the rate of six per cent per annum from the date of the approval of this act, which shall be applied exclusively in payment of the bonded indebtedness of said school

Property of  
school dis-  
tricts to pass  
to village.

Village to as-  
sume obliga-  
tions, etc.

Amount vil-  
lage to pay  
district No. 1.

Amount to  
pay district  
No. 7.

**Bond issue by village.** district number seven. For the purpose of making such payments to said assessors of school districts numbered one and seven, said public schools of Delray may, by a majority vote of the qualified electors thereof, present at any annual meeting or special meeting called for that purpose, borrow money and may issue bonds of the district therefor.

**Director to make report to school commissioner.** SEC. 10. The director of said school district shall, at the end of the school year and previous to October first in each year, make and deliver to the commissioner of public schools for Wayne county a report embodying the requirements of reports as specified in section four thousand six hundred eighty-nine of the Compiled Laws of eighteen hundred ninety-seven, of the State of Michigan. The treasurer of the county of Wayne shall pay over to the treasurer of the village of Delray for the school district, public schools of Delray, all public school moneys, from whatever source derived, to which said district may be entitled by law and which shall at any time come to his hands.

**Village may issue bonds for school house, etc.** SEC. 11. The said school district may, by a majority vote of the qualified electors thereof, present at the annual meeting or special meeting called for that purpose, borrow money and may issue bonds of the district therefor to pay for a school house site or sites and to erect and furnish a school building or buildings: Provided, That the aggregate amount of the bonded indebtedness of such district at any one time shall not exceed one hundred and seventy-five thousand dollars. All the other provisions of law relative to the borrowing of money upon bonds of a school district not inconsistent herewith shall apply to the issuing of said bonds and of the bonds authorized by section two of this act and to the vote to be taken thereon: Provided, however, That if the laws governing voting and elections are not applicable, the board of trustees of said district shall prescribe the manner in which the voting and the canvass of votes at such election shall be conducted.

This act is ordered to take immediate effect.

Approved February 26, 1903.

[No. 284.]

AN ACT to change the name of Della S. Tuck, of the township of Fairgrove, Tuscola county, Michigan, to Della S. Black.

*The People of the State of Michigan enact:*

**Name changed.** SECTION 1. The name of Della S. Tuck, of the township of Fairgrove, Tuscola county, Michigan, is hereby changed to Della S. Black.

This act is ordered to take immediate effect.

Approved February 26, 1903.

## [No. 285.]

**AN ACT** to change the name of Mrs. Mary Etta Brown, of the village of Northville, county of Wayne, State of Michigan, to that of Mrs. Mary Etta Smith.

*The People of the State of Michigan enact:*

**SECTION 1.** The name of Mrs. Mary Etta Brown, of the village of Northville, county of Wayne, State of Michigan, is hereby changed to Mrs. Mary Etta Smith. <sup>Name changed.</sup>

This act is ordered to take immediate effect.

Approved February 26, 1903.

## [No. 286.]

**AN ACT** to change the name of Edith May Brown, of the village of Northville, county of Wayne, State of Michigan, to Edith May Smith.

*The People of the State of Michigan enact:*

**SECTION 1.** The name of Edith May Brown, of the village of Northville, county of Wayne, State of Michigan, is hereby changed to Edith May Smith. <sup>Name changed.</sup>

This act is ordered to take immediate effect.

Approved February 26, 1903.

## [No. 287.]

**AN ACT** to change the name of Mott Christler, of the county of Mason, State of Michigan, to Mott C. Butler.

*The People of the State of Michigan enact:*

**SECTION 1.** The name of Mott Christler, of the county of Mason, State of Michigan, is hereby changed to Mott C. Butler. <sup>Name changed.</sup>

This act is ordered to take immediate effect.

Approved February 26, 1903.

[No. 288.]

**AN ACT** to authorize the village of Standish, in the county of Arenac, and State of Michigan, to borrow money and issue its bonds therefor, with which to purchase or construct a waterworks plant, an electric light plant and to construct a system of public sewers for said village.

*The People of the State of Michigan enact:*

**Bond issue by village.** SECTION 1. The village council in the village of Standish, in the county of Arenac, shall be and is hereby authorized to borrow money on the faith and credit of said village, and to issue the bonds of said village therefor, to an amount not exceeding twenty-five thousand dollars, which shall be expended for the purchase or construction of a waterworks plant and electric light plant and the construction of a system of public sewers for said village of Standish; under such rules and regulations as the village council shall provide: Provided, That a majority of the electors of said village voting at an election, held in accordance with this act, shall vote in favor of the said loan in the manner specified in this act and not otherwise.

**How expended.**

**Proviso.**

**Question to be submitted to electors.** SEC. 2. The question of raising the said money shall be submitted by the village council of the said village to the electors thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, eighteen hundred ninety-five. The village council shall have power to order a special election when it may, by said council, be deemed necessary to carry out the provisions of this act, and the proceedings had at such special election shall be the same as at the general elections held within said village as near as may be. Said village council shall cause notice of any election held under this act to be published at least twice in a newspaper published in said village, if any is published therein, and copies of such notice shall be posted up in six of the most public places in said village at least two weeks before such election is held. Those electors voting for said loan shall have written or printed on their ballots the words: "For the loan," and those electors voting against the loan shall have written or printed on their ballots the words: "Against the loan."

**Council may order special election.**

**Notice of.**

**Form of ballot.**

**When bonds may be issued.** SEC. 3. If said loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, payable at such times with such rates of interest, not exceeding six per cent per annum, as the said village council shall determine and direct. Such bonds shall be signed by the president of the village, countersigned by the clerk of said village and negotiated by or under the direction of the village council, and the money raised therefrom shall be appropriated in such manner as said village coun-

**Rate of interest.**

**How signed.**

cil shall determine for the purposes aforesaid. The said village <sup>Tax for, how raised.</sup> council shall have the power, and it shall be their duty, to raise by taxes upon the taxable property of said village such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved February 26, 1903.

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[No. 289.]

AN ACT to change the name of George E. Valentine, of the township of Prairievile, Barry county, Michigan to George E. Freeman.

*The People of the State of Michigan enact:*

SECTION 1. The name of George E. Valentine, of the town-<sup>Name changed.</sup> ship of Prairievile, Barry county, Michigan, is hereby changed to George E. Freeman.

This act is ordered to take immediate effect.

Approved February 26, 1903.

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[No. 290.]

AN ACT to provide for election precincts for the township of Stanton, in the county of Houghton, defining the limits thereof, providing for the registration of voters therein and determining who shall be inspectors of elections.

*The People of the State of Michigan enact:*

SECTION 1. The township of Stanton, in the county of Houghton, shall be divided into four election precincts, to be known respectively as election precincts numbers one, two, three and four. Election precinct number one shall comprise the following territory, namely: sections four, five, six, seven, eight, nine, ten, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-nine, thirty, thirty-one and thirty-two of township fifty-four north, of range thirty-five west; the southwest fractional quarter of section nineteen and sections thirty, thirty-one and thirty-two of township fifty-five north, of range thirty-five west; sections one, two, three, ten, eleven, twelve, thirteen, fourteen and twenty-four of township fifty-four north, of range thirty-six west; and fractional section twenty-four, fractional section twenty-five, fractional sec-

<sup>Division into election precincts.</sup>  
<sup>Precinct No. 1.</sup>

No. 2. **tion thirty-four, fractional section thirty-five and section thirty-six of township fifty-five north, of range thirty-six west. Election precinct number two shall comprise the following territory, namely: sections two, three, nine, ten, eleven, thirteen, fourteen, fifteen, sixteen, the southeast fractional quarter of section nineteen, sections twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-three, thirty-four, thirty-five and thirty-six of township fifty-five north, of range thirty-five west; sections one, two, three, eleven and twelve of township fifty-four north, of range thirty-five west; sections nineteen, thirty and thirty-one of township fifty-five north, of range thirty-four west; and fractional section thirty-five of township fifty-six north, of range thirty-five west. Election precinct number three shall comprise the following territory, namely: all that part of said township of Stanton lying east of said precinct number two. Election precinct number four shall comprise the remaining territory of said township of Stanton, being all that portion of said township of Stanton lying south and west of precinct number one as above described.**

**Notice of division to be given.** SEC. 2. The township board of said township shall give notice of said division by posting written or printed notices thereof in three public places in each election precinct, at least ten days before the first general regular or special election held therein, after the passage of this act. Said notice shall give a description of the boundaries of each voting precinct, and shall specify the place at which the first election will be held therein, as provided in this act.

**Who to be election inspectors.** SEC. 3. The township officers of said township, who, by existing laws constitute the board of inspectors of election of said township, shall be the board of inspectors of election in precinct number one therein, and two justices of the peace and the treasurer of said township shall be the board of inspectors of election in precinct number two. The township board shall, at its annual meeting next preceding each annual township meeting, designate and appoint three electors of said township to constitute the board of inspectors of precinct number three, and three electors of said township to constitute the board of inspectors of precinct number four, the persons so appointed to be members of the respective boards of inspectors of election for the ensuing year and until their successors are appointed.

**Conducting of township elections.** SEC. 4. The several boards of inspectors of each precinct shall be the inspectors of election at each election or township meeting held therein. The several boards of inspectors shall appoint one of their number chairman of such board, may administer oaths, make appointments, have the same powers and authority to the same extent for preserving order and enforcing their commands and all other powers for proceeding with elections in said several precincts, and shall conduct elections therein in the same manner as general elections are now conducted, or as they shall hereafter be directed by law to be conducted by township inspectors of elections in this State,

except as herein otherwise provided. They shall receive the same compensation as township inspectors of election, to be paid by the township.

SEC. 5. All the electors residing in said township shall cast their ballots at all elections therein in the several precincts in which they respectively reside, and said ballots shall be cast in said several precincts at the following named places, which places shall continue to be the polling place in said several precincts until changed by the township board of said township, namely: in precinct number one at the Trimountain school house at Freda; in precinct number two, at the Redridge school house; in precinct number three, at Burkman's store at the place called Oskar; in precinct number four, at the Elm River school house: Provided, however, That the township board may from time to time change said polling places for any or all of said precincts, giving notice of such change, if any, with the notices of election.

SEC. 6. The votes cast at any election in said several precincts shall be counted, canvassed, stated, certified and returned in accordance with the general laws of this State in that behalf made.

SEC. 7. The board of registration of said township shall compile the registration of electors of each of said precincts in separate precinct registers, shall transcribe to such several precinct registers from the township register the names of such electors as they know are qualified electors and residents of such precinct, and shall cause such precinct register to be present at every election, for use by each of the district boards of inspectors; and thereafter the registration of the electors in said township shall be made in accordance with the provisions of law for the registration of electors in townships divided into election districts.

SEC. 8. All proceedings with reference to elections in said township of Stanton shall be in accordance with the general laws of this State relating to township elections, except as herein otherwise provided.

SEC. 9. Notwithstanding anything in this act contained, the proper township authorities shall have power, under the provisions of the general laws of this State, to alter or divide said precincts whenever the number of electors in any one of said precincts, as shown by the poll list at any election held therein, shall exceed the number prescribed as the maximum for any election precinct or election district in this State.

This act is ordered to take immediate effect.

Approved February 26, 1903.

Polling places  
of precincts.

Proviso.  
Canvas, etc.,  
of votes.

Relative to  
registration.

To conform  
with general  
laws.

When pre-  
cincts may be  
altered.

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[No. 291.]

**AN ACT to change the name of Anna E. Witzky to Anna E. Huff.**

*The People of the State of Michigan enact:*

Name changed.

**SECTION 1. The name of Anna E. Witzky is hereby changed to Anna E. Huff.**

This act is ordered to take immediate effect.

Approved February 26, 1903.

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[No. 292.]

**AN ACT to provide by a direct vote, in the county of Wayne, for nomination at primary elections of candidates of political parties for election to public offices, and to regulate and protect such primary elections, and to punish offenses committed thereat, and also for the election of party committees and delegates to political conventions, and to repeal act number four hundred eleven of the Local Acts of eighteen hundred ninety-five, approved May sixteenth, eighteen hundred ninety-five.**

*The People of the State of Michigan enact:*

Certain words.  
how construed.

**SECTION 1. That the words "primary" and "primary election" shall be construed to mean an election as herein provided for deciding by ballot who shall be the nominees of the respective political parties for the next ensuing election, and for the selection of delegates to any convention or members of committees of any political party.**

When pri-  
maries held.

**SEC. 2. Primary elections within the county of Wayne, held for the purpose of selecting candidates of any political party for election at any regular election, to any public office, the incumbent of which is required by law to be elected by electors of said county, or of some subdivision thereof, and for the purpose of electing delegates to any convention or the members of the committees of any political party, composed entirely of members elected by electors residing within Wayne county, shall be held at the time, place and in the manner in this act provided, and not otherwise: Provided, That the provisions of this act shall not apply to the nomination of township and village officers in any township or village until it has been so determined upon by a two-thirds vote of the respective village council or township board.**

Proviso.

**The candidates who receive the greatest number of votes on any party ticket for each of such offices at any primary shall be the nominees of such party for the ensuing election. In each ward in the city of Detroit, at the first fall primary held**

Who to be  
nominee.

Nomination of  
committee  
members.

after this act takes effect, each political party shall elect by ballot, according to the provisions of this act, one member of the city committee and one member of the county committee, whose terms of office shall be two years from and after their election, or until their successors are elected in like manner, and outside of Detroit there shall be elected in the same manner the number of such committeemen now allowed by party usage. For purposes in this act no officials of any political party committee in the city of Detroit shall be recognized except those chosen from and by the committees elected under the provisions of this act.

SEC. 3. To obtain the printing of any candidate's name upon the ballots for any primary election, a petition, signed by the candidate, which shall state the name of the candidate, his residence, street and house number, the political party of which he is a member, and the office sought, shall be filed with the clerk of the city, village, township or county as hereinafter provided. Such petition shall be filed by the candidate, who shall at the time pay to the clerk a sum of money equal to one-half of one per cent of the salary and fees of the preceding year of such office, the amount thereof to be ascertained or estimated as nearly as may be by such clerk: Provided, The sum to be paid with any petition shall not be less than one nor more than fifty dollars: And provided also, That all candidates for non-salaried offices shall pay the fixed sum of one dollar. The candidate who filed such petition shall make affidavit, before an officer authorized to administer oaths, to the truths of the statements therein.

The above mentioned clerks shall keep on hand printed forms of primary petitions and annexed affidavits.

SEC. 4. Primary petitions of all candidates for any village, township or city offices or for committeeship shall be filed with the respective clerks thereof. Primary petitions of candidates for all other elective offices included in section two of this act shall be filed with the clerk of the county; and each of the said clerks shall receive petitions filed in accordance herewith up to and including the fifteenth day before the first day of any primary election, and shall forthwith prepare and publicly expose in his office a list of the candidates for offices and committeeships named in the petitions filed in his office under the headings of party and office and as near as may be as they would appear upon the primary ballots; all moneys accompanying any primary petition shall be received by the clerk with whom the petition is filed, who shall endorse upon the petition the amount received therewith and shall pay over the same to the treasurer of the county, city, village or township, to be placed to the credit of the fund from which the expense of printing the official ballots is defrayed and from such fund shall be paid any expense of printing authorized in this act. And such clerk shall keep a public record of the petitions filed, in a book with columns in which shall be entered respectively

How candidate may cause name printed on ballot.

Amount to pay clerk.

Proviso.

Petitions, where filed.

Time in which clerks to receive petitions.

Clerks to pay over money received to treasurer.

How used.

Clerk to keep public record of petitions.

To certify names to commis-sioners.

Proviso.

Who to cause printing of ballots, etc.

Number of ballots.

Proof copy where filed.

Who to print copies of act.

Ballots for women voters.

Ballots, how and by whom printed.

To be num-bered.

the date, the name of the candidate, office sought, and the amount of fees received. The said clerks respectively shall forthwith, after the last day for filing primary petitions, certify to the proper board of election commissioners the names of all candidates mentioned in said petitions, together with the name of the party and office stated: Provided, That for the primaries preceding the April elections in the year nineteen hundred three, such primary petitions of candidate may be filed with the proper clerk up to and including the seventh day before the first day of such primary election.

SEC. 5. The county board of election commissioners shall cause to be printed upon the ballots for any primary, preceding any regular election, all the names of candidates for county and district offices within the county limits in whose behalf the requirements of this act have been fulfilled, and no others. The respective boards of election commissioners of each city, village and township shall likewise perform such duty for local primary ballots within the jurisdiction of such boards, including the names of candidates for committees or delegates to conventions as herein provided. The number of ballots to be printed for use at any primary election in any election district shall be fifty per cent more than the total number of votes cast therein at the last general election.

Proof copy of the primary ballots shall be on file at the proper clerk's office for inspection by candidates at least three days before the primary.

It shall also be the duty of the said county and city boards of election commissioners to cause to be printed pamphlet copies of this act and to furnish at least two copies to each board of election inspectors at the same time the other supplies are furnished. And said boards of election commissioners shall also cause to be printed and distributed a sufficient number of primary ballots for the use of women voters, on which ballots shall be printed only the names of those candidates to be nominated at such primaries for whom women are by law allowed to vote on election day. No women shall be allowed to vote on any other ballot. Separate ballot boxes shall be provided for the votes of women.

SEC. 6. The ballots for primary election shall be printed by the board of election commissioners as follows: At the top of the ballot shall be printed "Primary Ballot" followed when proper by the designation of political subdivision as county, city, etc., and next underneath, these instructions: "Vote only in one column. Make a cross (X) in the square to the left of as many names for each office as is indicated by the number under the title of such office." Every ballot shall be numbered consecutively, and as provided for numbering of ballots by the general election law. The names of the candidates of each political party shall be printed in a separate column with the name of the party at the top thereof in large letters. No candidate's name shall be printed in more than one column. When there is more than one candidate for the same office or position

to be printed in the same column, the board of election commissioners shall determine by lot the order in which such names shall be printed. In a column upon the left of the ballot shall be printed the titles of offices to which nominations are to be made, also of committees or delegates to be elected and under each title the number of candidates for which each elector may vote. In the column next to the title of offices shall be printed the ticket of the party which had the greatest number of votes for Governor within the State at the last preceding election for Governor; the position of other tickets to be governed relatively by the same rule. Opposite the title to any office or other position shall be printed the names of all candidates for such office or position, each in its proper column according to the political party, and to the left of each name a small square in which a voter shall signify his choice by making a cross (X). The form of the ballot shall be as follows:

### PRIMARY BALLOT.

**Vote only in one column. Make a cross (X) in the square in front of as many names for each office as is indicated by the number under the title of such office.**

TITLE OF OFFICE	REPUBLICAN.	DEMOCRAT.
<b>SHERIFF</b> ONE.	<input type="checkbox"/> JOHN DOE <input type="checkbox"/> JAMES BROWN	
<b>COUNTY CLERK</b> ONE.	<input type="checkbox"/> <input type="checkbox"/>	
<b>COUNTY CORONER</b> TWO.	<input type="checkbox"/> <input type="checkbox"/>	

**SEC. 7.** All primary elections shall be held by election district or precinct at the same times and places as the sessions of the boards of registration are or shall be held preceding each election held in any year, and the polls thereof shall be kept open from eight o'clock a. m. until eight thirty o'clock p. m., standard time, each day: Provided, That in townships, villages and cities other than the city of Detroit, primaries shall be held in each district on the third Tuesday preceding any April election, and on the third Wednesday preceding any November election, from the hours of nine o'clock a. m. to five o'clock p. m., or longer, at the option of the township board, but in no case shall the time be longer than from eight o'clock a. m. to eight thirty o'clock p. m.: Provided further, That days now provided for supplemental registration in the city of Detroit shall not be days for holding primaries. No Electors to person shall be permitted to vote at a primary election in any

Titles, where  
printed.

Form of  
ballot.

Polls, when  
open.

Proviso.

Further  
proviso.

No Electors to  
be registered.

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<b>Proviso.</b>	election district or precinct until he has been lawfully registered therein: Provided, That in election districts outside of the city of Detroit, any elector not registered therein, may vote upon making oath that he is a duly qualified elector of such election district. Such primary elections shall be presided over and conducted by the members of the board of registration of each election district, precinct or township, who shall, by virtue of their office, constitute the board of primary election inspectors, except in townships and villages having two or more precincts where elections shall be conducted by persons appointed by the township or village boards, which persons shall constitute the board of primary election inspectors.
<b>Primaries, by whom conducted.</b>	
<b>When special primaries may be held.</b>	SEC. 8. Special primary elections, shall, when necessary, be held prior to any special election; and as near as may be in all matters pertaining thereto shall be held in conformity with this act.
<b>Notices of primaries.</b>	SEC. 9. All officers required by law to give notices of registration shall also give notice that a primary election shall be held at the same places, and shall state the dates, the time the polls will be open and the purposes for which such primary shall be held.
<b>To be conducted same as other elections.</b>	SEC. 10. Primary elections shall, except as herein otherwise provided, be conducted and regulated as near as may be as [prescribed] prescribed by law for the conduct and regulation of April and November elections. All officers required by law to perform any duty or to provide places, ballot boxes, equipments, and supplies for general elections, shall likewise do and provide for primary elections with like power and compensation. All expenses of primaries shall be defrayed from the same fund from which are defrayed like expenses of elections.
<b>Expenses, how paid.</b>	
<b>Ballot, how prepared.</b>	SEC. 11. After the polls are open at a primary election, any elector who is legally qualified and registered shall, before entering a booth, be given the proper ballot, and shall, while in the booth, concealed from view, prepare such ballots by marking a cross (X) in the square at the left of such names as he may vote for in the column of the political party of his choice, but in no case in more than one column nor for more candidates for the same office than is indicated by the number under the title thereof. He may, however, vote in his party column for any candidate whose name is not printed on the ballot, by so writing in such other name as shall make it a substitute for any name which is printed thereon or when no candidate's name appears on the ballot. He shall then fold the ballot so that the ballot number shall be on the outside, and present it to the proper inspector, who shall tear off the number and deposit the ballot in the ballot box. The inspectors shall enter on the poll list the name of each elector and the number of his ballot, before the same is given to him, and the inspector receiving the ballot, shall, before depositing it in the box, ascertain by comparison with the poll list, whether it is the same ballot given him and if it is not the same ballot, he shall reject it.
<b>How folded.</b>	
<b>Duty of inspectors.</b>	

If any elector shall, after marking his ballot, so expose it to any person as to reveal the name of any person voted for thereon, such ballot shall be rejected and such voter shall forfeit his right to vote at such primary and a brief minute of such occurrence shall be made in the registration book and on the poll list.

SEC. 12. The primary inspectors, upon the opening of the polls of the primary, shall lock the cover of the ballot box, which shall not be unlocked or opened until the close of the primary. Each time when the polls are closed for adjournment over night, the ballot boxes shall be locked, sealed and guarded and returned as is directed by law for safekeeping of ballot boxes at regular elections during any recess, or pending the counting of the ballots.

In the city of Detroit, and in any other place where like provision may be made by law or ordinance, upon the closing of the polls of the primary each night, the ballot boxes shall be turned over to the police department, which shall safeguard the same over night and return them on the following morning before the time for opening the polls.

SEC. 13. Upon the closing of the polls on the last day for the holding of any primary, the ballots shall be counted as provided by law for the counting of ballots at any regular election. In counting such votes those candidates who have a cross (X) made in the square at the left of their names shall be deemed to have been voted for, but no ballot shall be counted where a cross (X) has been made before the names of candidates in more than one column or whereon any name has been transposed by writing or pasting from one column to another; and any ballot upon which more candidates for any office have been voted for than may by law be elected to such office, shall be rejected as to that office.

SEC. 14. After the votes in any primary in any district shall have been counted, the officers counting the same shall publicly declare the result and forthwith make and certify written detailed statements as are required by law for April and November elections, of the whole number of votes cast in such district for each candidate for each of said offices or positions provided for in section two of this act, and shall certify, subscribe and seal in a separate envelope such statements and write thereon the name and number of the election district, and deliver such statements to such persons and at such times, as are required by law for April and November elections.

SEC. 15. As soon as the officers making the count have completed the counting of the votes of their precinct they shall return all the ballots to the ballot box, which shall be locked and sealed, and the same and all books, supplies and lists shall be safeguarded or returned as is prescribed for so doing at the close of general elections. The ballots in the ballot boxes shall be preserved until after the respective boards of election commissioners shall have made up their respective tickets, and said boards of election commissioners may open such ballot

*Ballots not to be exposed.*

*Inspectors to keep ballot boxes locked.*

*To be turned over to police at night.*

*Counting, etc., of ballots.*

*Officers to declare result.*

*Care of ballots, etc., to be same as at elections.*

boxes and count the votes therein whenever they may deem it necessary to verify or correct returns, and the custodian thereof, shall, upon written request from said board, produce the same before such board at a time and place designated in such request.

Who to can-  
vass returns  
of townships,  
etc.

SEC. 16. The board of election commissioners of each city, village or township, shall convene at the clerk's office upon the day (except Sunday) following the last day of any primary at one o'clock p. m. and proceed to canvass the returns of election districts, and shall forthwith thereby truly determine and make public the names of the nominees for each village, town or city office and the names of members of each political party, committee or delegate to convention elected, which nominees shall be such as shall have received the largest number of votes cast as set forth in such returns for such offices or determined by said commissioners on a recount by them of such ballots. Tie votes in the same column for only one position shall be determined by lot.

Who to can-  
vass county  
returns.

SEC. 17. At one o'clock p. m. upon the first day after the last day of any primary election preceding any April or November election, the county board of election commissioners shall convene at the county clerk's office, and canvass the returns received, and thereby forthwith determine and make public the names of nominees of each political party for county or district offices within such county.

Printing of  
ballots for  
elections.

SEC. 18. The several boards of election commissioners shall cause to be printed upon the ballots to be used at elections for each office included in section two of this act, the names of candidates for office selected under the provisions of this act, and no others: Provided, That when any candidate shall die or shall withdraw as such candidate, then the proper board of election commissioners shall cause to be printed or placed upon such ballot, in the place of such candidate, the name of the candidate who shall be selected by the proper party committee upon the certificate of its chairman and secretary, as is provided for general elections by section three thousand six hundred twenty-six of the Compiled Laws of eighteen hundred ninety-seven.

Proviso as to  
death, etc., of  
candidate.

SEC. 19. Any person who shall, while the polls are open at any polling place on any primary day, solicit votes in the said polling place; any person who shall offer or give to any other person any intoxicating liquors or drink any intoxicating liquors within any such polling place; any person who shall solicit or receive, directly or indirectly, any money or any promise of place or position or any valuable consideration for his vote or support at any such primary election; any person who shall offer any voter any money or reward of any kind, or who shall promise any place or position for the purpose of securing such votes or vote or support at any such primary election; any person who shall knowingly violate any of the requirements or provisions of this act; any person who shall refuse or neglect to perform any duty enjoined upon him thereby;

**any person who shall vote or attempt to vote more than once or in more than one election district at the same primary election, shall be guilty of a misdemeanor. When by this act any act Neglect of officers to perform duty.**

**or duty is required to be done or performed and the act or duty is required to be done or performed by or under the direction, supervision or authority of any officer and such act or duty shall not be done or performed, then the officer who shall neglect to perform such act or duty or shall suffer or permit the omission to perform such act or duty or direct, require or authorize the omission or non-performance of such act or duty, shall be guilty of a misdemeanor and shall be punished as herein provided. Any person who shall be convicted of any of the acts or omissions which are by this act declared to be misdemeanors shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the court.**

**Penalty.**

**Sec. 20. It shall be the duty of the county clerk of said county to cause to be posted in conspicuous places in and upon all places in said county respectively, where primary elections are held for the nomination of county officers, so that the same can be plainly seen and read by all persons at such primary elections, large posters containing the whole verbatim of the preceding section of this act. It shall be the duty of the clerk of any city, township or village in which this act is operative, to deliver to the board of primary election inspectors of each election district within their jurisdiction before the time for opening of the polls on the first day of such primary, the election list of electors used at the last preceding election held therein; also blanks for poll lists and returns and any other supplies necessary to carry out the provisions of this act. It shall also be the duty of said clerks or of such board or other person or persons as are by law required to furnish blank registration books for use by the various registration boards in the various election districts in said county, to furnish the same in time for use at such primary, and to provide that the said books known as the alphabetical election list of electors shall contain, in addition to those required by law at the time of the passage of this act, at least two columns to be used exclusively for recording of the votes cast at primary elections under the provisions of this act, each of which columns shall have printed headings as follows:**

**"Voted at Fall Primary, 19...." "Voted at Spring Primary 19...."**

**Sec. 21. The common council of cities and villages and the township boards of townships shall provide for the appointment, by said board of primary election inspectors, of two clerks to assist them in carrying on such primary election, but the compensation of such clerks shall not exceed four dollars per day respectively.**

**Sec. 22. Act number four hundred eleven of the Local Acts Repealing clause.**

**Preceding section, to be printed and posted.**

**Duty of clerks relative to election list.**

**Who to furnish registration books.**

**Heading of columns.**

**Who to provide clerks for inspectors.**

regulate and protect primaries, primary elections and conventions of political parties in the county of Wayne, and to punish offenses committed thereat," and all other acts or parts of acts in conflict herewith, are hereby repealed.

This act is ordered to take immediate effect.

Approved March 3, 1903.

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[No. 293.]

AN ACT to provide for the assessment and collection of highway taxes, and the expenditure thereof, in the Township of Port Huron, St. Clair County, Michigan.

*The People of the State of Michigan enact:*

Township di-  
vided into  
road districts.

SECTION 1. For convenience in the assessment and collection of highway taxes, and the expenditure thereof, the commissioner of highways of the Township of Port Huron, St. Clair County, Michigan, shall, by and with the sanction and approval of the township board, on the first Monday of March, A. D., nineteen hundred three, divide said township, excluding incorporated villages therein, into not less than five nor more than twelve road districts, which districts shall be composed of contiguous territory. The highway commissioner may thereafter, subject to the approval of the township board, vacate, alter, divide, or consolidate such districts, his action in all cases to be entered of record in the township clerk's office, but no such alteration shall be made within ten days next preceding the annual township meetings.

Overseers,  
how elected.

SEC. 2. At each annual township meeting of said township, between the hours of twelve o'clock noon and one o'clock in the afternoon, the qualified electors of each road district in said township shall separate themselves into groups and a majority of the qualified voters of each district present and voting shall elect, *viva voce*, or in such manner as the electors of each district may direct, an overseer of highways for their respective district. The overseer of highways shall be a qualified elector and a resident taxpayer of his respective district, and no elector except a resident in the district where the overseer is chosen shall vote for such overseer.

Electors what  
to determine.

SEC. 3. At the time and place of election of overseers of highways for the several road districts, a majority of the qualified electors of each road district present and voting, by *viva voce* vote, or in such manner as said electors for each of their respective districts may direct, shall determine as follows:

Relative to  
assessment  
of highway  
tax.

First, Whether the highway tax shall be assessed on a money basis and paid in money instead of labor, and if they so determine, such assessment shall not be less than one fourth

of one per cent, and shall not exceed one per cent on the aggregate assessed valuation of the property of the district, both real and personal, according to the assessment roll for said township for the fiscal year.

Second. Whether the highway tax shall be assessed partially *item.* in labor, and if so upon the amount of highway labor to be assessed, which shall not exceed one day's labor upon each one hundred dollars assessed valuation as in the preceding sub-division provided: also upon the amount of money tax, if any, to be levied in the district for necessary improvements, to be made in the highways and bridges during the year beyond what the highway labor, as above provided, will accomplish, not exceeding one-half of one per cent on each one hundred dollars of assessed valuation as in the preceding sub-division provided.

SEC. 4. The township clerk shall record the proceedings of each district meeting in the township records, and within fifteen days after the annual township meeting, shall certify to the commissioner of highways for said township the amount and the manner of raising the highway tax for each road district, as determined at such district election, and the commissioner of highways shall thereafter apportion and assess or cause to be assessed by the supervisor said taxes in the manner provided by the general laws of this State. *Duty of township clerk.*

SEC. 5. Within ten days after said election, the overseers of highways elected thereat shall file a notice of their acceptance with the township clerk. The commissioner of highways may at any time require the overseer of highways of any of said districts to give bond in such amount, conditioned and to be approved as required under the general laws of this State. *Acceptances of overseers.*

SEC. 6. In case any of the overseers of highways so elected should fail to file the notice of acceptance with the township clerk within the time required by this act, or fail to file a bond as required by this act; or in case the electors in any road district neglect or refuse to elect an overseer of highways, or to determine the amount of highway tax to be levied in such district, or the manner in which it shall be assessed, the highway commissioner shall appoint an overseer for said district for the ensuing year in the manner provided by the general laws of this State. The commissioner may in such cases assess not exceeding one per cent upon the assessed valuation of the property in such district, both real and personal, according to the assessment roll for the fiscal year, which tax may be assessed in money or labor as the commissioner may determine. *Appointment in case of vacancy.*

SEC. 7. The commissioner of highways shall thereafter proceed at the time and in the manner provided by the general laws of this State, so far as the provisions thereof may be applicable and are not inconsistent with the provisions of this act, to assess or cause to be assessed the highway tax for the several road districts. *Who and when to assess highway tax.*

**Poll tax.**

SEC. 8. Capitation or poll tax shall continue to be assessed in each of said districts in the manner provided by the general laws of this State.

**Money, how expended.**

SEC. 9. All highway labor and money tax assessed and collected within said districts for highway purposes shall be expended within the limits of the district in which the same is assessed: Provided, That nothing contained in this act shall be construed to prohibit or prevent the building and maintenance of stone or macadam roads within the several districts.

**Duties of officers to conform to general laws.**

SEC. 10. The duties of the highway commissioner of the said township and of the overseers of the road districts therein, and the duties of the other township officers, so far as consistent with the provisions of this act, shall continue to be the same as provided by the general laws of this State, and so far as the same are not inconsistent with the provisions of this act, the general laws of this State providing for the assessment and collection of highway taxes, the expenditure thereof, and the accounting therefor, and removal of officers for neglect of their respective duties shall apply to said township and the road districts therein.

This act is ordered to take immediate effect.

Approved March 4, 1903.

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[No. 294.]

AN ACT to amend section twenty of title eight of the charter of the City of Grand Rapids, the same being section twenty of title eight of act number three hundred seventy-four of the local acts of the State of Michigan of eighteen hundred ninety-seven, entitled "An act to revise the charter of the City of Grand Rapids;" by eliminating the provision relative to the making of assessment rolls of all unpaid taxes and the delivery of certified copies thereof to the city clerk.

*The People of the State of Michigan enact:*

**Charter amended.**

SECTION 1. Section twenty of title eight of the charter of the City of Grand Rapids, the same being section twenty of title eight of act number three hundred seventy-four of the local acts of the State of Michigan of eighteen hundred ninety-seven, entitled "An act to revise the charter of the City of Grand Rapids," be and the same is hereby amended so as to read as follows:

**Partial payment of taxes.**

SEC. 20. Upon the receipt of any tax the city treasurer shall mark the same paid upon the proper roll and give a receipt therefor. Any person owning an undivided share or other part of real estate assessed in one description may pay on the part thus owned, by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurate-

ly describe the part on which he makes payment, and the receipt given and the record of the receiving officer shall show such description and by whom paid. Any person having a lien upon real estate may pay the taxes thereon and the same may be added to his lien and recovered with the rate of interest borne by such lien. On the first day of January following the time when any tax shall become due and payable, the city treasurer shall add to every such tax six per cent of the amount thereof, as stated in the rolls, and the amount of such tax and of such addition hereinbefore specified, shall thenceforth be the unpaid tax and shall bear interest from said last named date at the rate of ten per cent per annum until paid, except as herein otherwise provided.

When interest  
may be added  
to taxes.

This act is ordered to take immediate effect.

Approved March 4, 1903.

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[No. 295.]

AN ACT to organize and incorporate school districts numbers two, three, four, five, six, seven and eight of the township of North Star, Gratiot County, Michigan, and to change the boundaries of school district number nine, in said township, and to take certain territory therefrom and attach the same to another district and to change the number of said district number nine and to repeal all acts or parts of acts in any wise contravening the provisions of this act.

*The People of the State of Michigan enact:*

SECTION 1. So much of the Township of North Star, in the District No. 2, county of Gratiot, and State of Michigan, as would be included consist. in the following descriptions, to wit, entire sections thirteen, fourteen, twenty-three and twenty-four of said township, shall constitute a single school district to be known and designated as school district number two of North Star; so much of said Township of North Star as would be included in the following descriptions, to wit, entire sections twenty-nine, thirty, thirty-one and thirty-two of said township, shall constitute a single school district to be known and designated as school district number three of North Star; so much of said Township of North Star as would be included in the following descriptions, to wit, entire sections seventeen, eighteen, nineteen and twenty, the east half of section seven and the west half of southwest quarter of section eight of said township, shall constitute a single school district to be known and designated as school district number four of North Star; so much of said Township of North Star as would be included in the following descriptions, to wit, the east half of section five, section eight, except the west half of the southwest quarter, entire sections four and nine, and the west half of sections three and ten of

No. 6. said township, shall constitute a single school district to be known and designated as school district number five of North Star; so much of said Township of North Star as would be included in the following descriptions, to wit, entire sections one, two, eleven and twelve, the east half of sections three and ten of said township, shall constitute a single school district, to be known and designated as school district number six of North Star;

No. 7. so much of said Township of North Star as would be included in the following descriptions, to wit, the entire sections twenty-five, twenty-six, thirty-five and thirty-six of said township, shall constitute a single school district to be known and designated as school district number seven of North Star;

No. 8. and so much of said Township of North Star as would be included in the following descriptions, to wit, entire sections twenty-seven, twenty-eight, thirty-three and thirty-four of said township, shall constitute a single school district to be known and designated as school district number eight of North Star.

Powers, etc.,  
of districts.  
  
Territory  
attached to  
district No. 5.  
  
District No.  
9 changed to  
No. 1.  
  
Act repealed.  
  
Organization  
of districts by  
inspectors.

Such school districts shall have all the powers and privileges conferred upon primary school districts by general law, and hereafter, all schools organized therein, in pursuance of this act, under the direction and regulation of the several school boards, shall be free to all children actual residents within the limits thereof, between the ages of five and twenty years, inclusive.

SEC. 2. The north half of the southwest quarter of section ten, and the southwest quarter of the southwest quarter of section ten, of said Township of North Star, is hereby detached and set off from graded school district number nine of the Township of North Star, aforesaid, and attached to and made a part of school district number five, organized and incorporated under the terms of this act. The number of said school district number nine is hereby changed to number one. So much and such parts of act number four hundred fifty-six of the local acts of Michigan for the year eighteen hundred ninety-seven, entitled "An act to incorporate the public schools of district number nine of North Star, and to enlarge its boundaries," approved May twenty-ninth, eighteen hundred ninety-seven, and of all other acts as in any way contravene the provisions of this act, are hereby repealed.

SEC. 3. All territory in the Township of Washington and all territory in the Township of Hamilton, in said County of Gratiot, now forming a part of fractional school district number one and number seven, or either of them, of said Township of North Star, is hereby detached from said school districts, and shall remain unorganized territory to be organized into school districts, or attached to other school districts by the boards of school inspectors of the respective townships in which such territory is situated; and the territory of fractional district number nine of Emerson and North Star, situated in said Township of North Star is hereby detached from said fractional school district number nine, and organized

and incorporated into districts in North Star, as above provided.

SEC. 4. The township board of school inspectors of the township of North Star, and in case of fractional school districts, then the joint board of school inspectors of the several townships affected hereby, in said County of Gratiot, shall have, and they are hereby granted full power and authority touching the apportionment of property and money among the several school districts, in any way affected by this act, and shall have all of the powers and perform all the duties with reference to such apportionment and the sale of the schoolhouses in said districts, and all other things pertaining thereto, as are provided by the general school law of this State, in the case of the formation of new districts, in whole or in part, from one or more districts possessed of a school house, or entitled to other property. It shall be the duty of the clerk of said board of school inspectors of North Star Township, and in case of fractional districts, of the clerk of the several boards of school inspectors of the townships interested, to call a meeting of said board, giving notice thereof as provided by law upon the written request of ten taxpayers who are interested therein, for the purpose of carrying out the provisions of this section.

SEC. 5. This act shall in nowise interfere with the schools in any of the school districts in the said Township of North Star, as now organized, prior to the first day of July, nineteen hundred and three, and the school district officers of school districts numbers three, four, six and eight, as now organized, shall continue to hold their said offices and act as school district officers for school districts numbers three, four, six and eight, as organized herein, until their successors shall be elected and qualified; the school district officers of graded school district number nine, as now organized, shall continue to act as school district officers of school district number one, as organized herein, until their successors shall be elected and qualified; and the school district officers in said school district number two, as now organized, shall continue to act as school district officers of school district number two, as organized herein, until the first day of July, nineteen hundred three, at which time the electors of school district number two, as organized herein, shall meet as herein provided at a special meeting to be called for that purpose and elect a director to succeed the present director. The said director so elected together with the other two officers of said district, shall constitute the school officers of said district number two, as organized herein, until their successors shall be elected and qualified. The school district officers in district number five, as now organized, shall continue to act as school district officers of said district number five, as organized herein, until July first, nineteen hundred three, at which time the electors of district number five, as organized herein, shall meet at a special meeting to be called for that purpose as herein provided, and elect a successor to the present director. The said director so

Apportion-  
ment of prop-  
erty, etc.,  
among dis-  
tricts.

Duties of  
clerk of school  
inspectors.

Act not to  
interfere with  
certain dis-  
tricts.

District offi-  
cers to remain  
in office.

elected together with the other two officers in said district shall constitute the district officers of said district number five, as organized herein, until their successors shall be elected and qualified. The school district officers of districts number one, fractional, and number seven, fractional, as now organized, shall continue to act as officers of the respective districts until July first, nineteen hundred three, at which time a special meeting of the electors of district number seven, as herein organized, shall be called as herein provided for the purpose of electing a director, moderator and treasurer of said district number seven, as herein organized, to take the place of the officers of districts number one, fractional, and number seven, fractional, residing in the limits of district number seven as herein organized. The said meetings for the election of officers as herein provided shall be called in districts numbers two and five, as herein organized, by the officers of said districts respectively residing within the limits of each, and the special meeting for the election of the officers in district number seven, as herein organized, shall be called by all the officers of fractional district number seven, as now organized, who shall reside within the limits of district number seven, as now organized. Each of said special meetings shall be held after the giving of ten days' notice in the same manner as is provided by general law for the holding of special meetings in primary school districts. In case of the failure or neglect of the said several officers to call said meetings, then said school districts shall be organized and officers elected in the same manner as is provided by law for the organization of new school districts.

**Meetings,  
when held.**

**Notice of.**

**Districts sub-  
ject to school  
laws.**

SEC. 6. Each new school district, as organized and described herein, shall from and after the first day of July, nineteen hundred three, constitute a primary school district in the Township of North Star, subject to all the provisions of the general school laws of this State relative to primary school districts; and all the provisions of the general school laws of this State, relative to the organization of new school districts, the apportionment of money and property between school districts, and the sale of schoolhouses and other property, and all division of the proceeds thereof, shall, so far as not inconsistent with the terms of this act, apply to and govern the reorganization of the several school districts of the said township of North Star.

This act is ordered to take immediate effect.

Approved March 10, 1903.

## [No. 296.]

AN ACT to amend section seven of title two of act number three hundred seventy-four of the Local Acts of the State of Michigan of eighteen hundred ninety-seven, as amended by act four hundred seventy-four of the Local Acts of nineteen hundred one, entitled "An act to revise the charter of the city of Grand Rapids."

*The People of the State of Michigan enact:*

SECTION 1. That section seven of title two of the charter of the city of Grand Rapids, being act number three hundred seventy-four of the Local Acts of the State of Michigan of eighteen hundred ninety-seven, as amended by act number four hundred seventy-four of the Local Acts of nineteen hundred one, be amended to read as follows:

SEC. 7. That the aldermen elect of the common council, on the first Monday in May nineteen hundred four, or within a reasonable time thereafter, and on the first Monday in May every second year thereafter, or within a reasonable time thereafter, shall elect three highway commissioners whose term of office shall be two years, and until their successors are elected and qualified, and whose duties and salary shall be prescribed by the common council.

This act is ordered to take immediate effect.

Approved March 10, 1903.

## [No. 297.]

AN ACT to create and govern school district number five fractional of Mt. Haley township in the county of Midland.

*The People of the State of Michigan enact:*

SECTION 1. That the northwest quarter of section thirty-three; all of west half of section twenty-eight south of Chippewa river; east half of the southwest quarter of section thirty-three; southeast quarter of section thirty-three; south half of the southwest quarter of section thirty-four; all of southwest of southeast of section thirty-four north and south and west of Pine river, all in township fourteen north, range one east, now in school district number one of said Homer township, be detached from said school district. And that the west half of section twenty-five, and all of section twenty-four south of Chippewa river, all in township fourteen north of range one west, now in school district number four of said Lee township, be detached from said school district. And that the east half of section two; all of section one and the east half of the southwest quarter of section two, all in township thirteen north,

range one west, now in school district number six of said Porter township, be detached from said school district. And that the said foregoing described territory be attached to the territory now comprising school district number five fractional of Mt. Haley, in the county of Midland, and the whole to be and is hereby organized into a school district to be known as school district number five, fractional of Mt. Haley, and said district shall be subject to all the provisions of and shall have all the powers and privileges conferred upon school districts and union schools by the general laws, except as otherwise provided herein.

**May organize as graded district.**

**Proviso.**

**Election of officers.**

**Proviso.**

**Annual meeting, when held.**

**Officers to be elected at.**

**When district may borrow money.**

**Report of director.**

**Moneys, to whom paid.**

SEC. 2. Said school district may, by a majority vote of the qualified electors present at any annual or special meeting, organize as a graded school district: Provided, That the intention to take such vote shall be expressed in the notice of such annual or special meeting. When such change in the organization of the district shall have been voted, the voters at such annual or special meeting shall proceed immediately to elect by ballot from the qualified voters of the district, one trustee for the term of one year; two for the term of two years, and two for a term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire: Provided, That in the election of the trustees and all other school officers, the person receiving a majority of all the votes shall be declared elected.

SEC. 3. The annual meeting of said school district shall be held on the second Monday of July in each year, and the trustees and officers of the district shall date their terms of office from said date and until their successors are elected and qualified. The school year shall commence on the first Monday in September in each year.

SEC. 4. At the first meeting in said school district there shall be elected by ballot, a moderator for the term of three years; a director for the term of two years, and a treasurer for the term of one year, and on the expiration of their respective terms of office and regularly thereafter at the annual meetings, their several successors shall be elected in like manner for a term of three years each. The time intervening between the first meeting of said school district and the first annual meeting thereafter, shall be reckoned as one year.

SEC. 5. Said school district may, by a two-thirds vote of the qualified electors of said district, present at any annual meeting, or at a special meeting called for that purpose, borrow, not to exceed seven hundred dollars, and may issue bonds of the district therefor, to pay for a schoolhouse site or sites, and to erect and furnish school buildings. The rate of interest on said borrowed money shall not exceed five per centum per annum.

SEC. 6. The director of said district shall make his annual report to the clerk of Mt. Haley township.

SEC. 7. All moneys accruing to said district, whether from taxes, primary money or other sources, shall be paid over to the treasurer of Mt. Haley township.

**SEC. 8.** The clerks of the several townships included within this school district, shall report to the clerk of Mt. Haley township, every three months, the amounts of money collected within their respective townships for said school district, and the clerk of said Mt. Haley township shall notify the treasurer of Mt. Haley township, who shall forthwith collect the same.

**SEC. 9.** All acts of the joint boards of school inspectors of the townships of Mt. Haley and Lee in organizing school district number five fractional of Mt. Haley, are hereby legalized.

**SEC. 10.** All moneys now in the hands of the treasurer of said school district number five, fractional of Mt. Haley, or due to said district, shall belong to the district hereby organized under this act.

**SEC. 11.** It shall be the duty of the clerk of Mt. Haley township to deliver to a taxable inhabitant of such district, a notice in writing of the formation of such district, describing its boundaries and specifying the time and place of the first meeting, which notice with the fact of such delivery shall be entered upon record by the clerk. The said notice shall also direct such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly, and said inhabitant when he shall have notified the qualified voters as required in such notice, shall indorse thereon a return, showing such notification with the date or dates thereof, and deliver such notice and return to the chairman of the meeting, to be by him delivered to the director chosen at such meeting, and by said director reported at length as a part of the records of such district.

**SEC. 12.** Any person who shall neglect to perform the duties imposed upon him by this act shall be liable to a fine of not more than one hundred dollars or imprisonment for not more than ninety days.

This act is ordered to take immediate effect.

Approved March 10, 1903.

[No. 298.]

AN ACT to change the name of Charles Maynard Ambrose, of the city of Bay City, Bay county, Michigan, to Charles Wilkins Ambrose.

*The People of the State of Michigan enact:*

**SECTION 1.** That the name of Charles Maynard Ambrose, of Bay City, Bay county, Michigan, be and the same is hereby changed to Charles Wilkins Ambrose.

This act is ordered to take immediate effect.

Approved March 10, 1903.

[No. 299.]

AN ACT to authorize the township of Warren, Macomb county, to grade, pave, plank, gravel, macadamize, curb and otherwise improve the highway known as Centerline Road in said township, and to provide the necessary funds therefor.

*The People of the State of Michigan enact:*

Bond issue by  
township.

SECTION 1. The township of Warren, Macomb county, is hereby authorized to grade, pave, plank, gravel, macadamize, curb and otherwise improve the highway known as Centerline Road in said township, and for the purpose of defraying expenses thereof to issue bonds and levy taxes in the manner hereinafter provided.

When esti-  
mates for im-  
provement to  
be made.

SEC. 2. Whenever the township board of said township of Warren shall by resolution duly passed, declare that it is expedient to grade, pave, plank, gravel, macadamize, curb or otherwise improve said Centerline Road, the said township board and the commissioner of highways of said township, acting together, shall cause to be made plans and specifications for the improvement of such highway in the manner declared to be expedient in the resolution aforesaid and to cause estimates to be made of the cost of such improvement or improvements. From such estimates said township board and highway commissioner, acting together, shall determine and fix the amount necessary to be raised for the purpose of such improvement or improvements, and the amount necessary to be raised by the issue and sale of bonds of said township for that purpose.

Ques'ion to be  
submitted to  
electors.

SEC. 3. The township board shall then submit to the electors of said township at the annual township meeting or at a special meeting to be called and ordered by the township board in the manner provided by law, the question of issuing bonds for the purpose of defraying the cost and expenses of the improvements declared by said township board to be expedient as aforesaid, to the amount determined by said township board and highway commissioner to be necessary therefor. The notice of such township meeting shall contain a true copy of the resolution of said township board declaring the expediency of the proposed improvement and the manner thereof, and the amount determined by said township board and highway commissioner, to be necessary for such purpose. Special ballots shall be provided for such election in the following form: "Shall the township of Warren issue bonds to the amount of (the amount determined by said township board and commissioner of highways) dollars, for the purpose of improving Centerline Road—Yes." "Shall the township of Warren issue bonds to the amount of (the amount determined by said township board and commissioner of highways) dollars, for the purpose of improving Centerline Road—No."

Form of  
ballots.

The town meeting shall be held and the mode of proceeding at such meeting and the method of canvassing the ballots cast upon said question shall be in the

manner provided in the general act relative to township meetings.

SEC. 4. If a majority of the electors of said township voting upon said question when so submitted, shall vote in favor of issuing said bonds, the township board shall at any regular or special session thereafter determine the form and denomination of the bonds, the length of time they shall run, not exceeding thirty years, the rate of interest they shall bear, not exceeding five per cent per annum, and shall cause such bonds with interest coupons attached to be issued, signed by the supervisor and the clerk of said township. Such bonds shall be negotiated under the directions of said township board at not less than the face value thereof, and the money received from the sale thereof shall be paid to the treasurer of said township, and there kept in a special fund to be used only for the purpose mentioned in this act.

SEC. 5. After the bonds so issued shall have been sold and the proceeds thereof paid into the fund aforesaid, said township board and highway commissioner shall advertise for bids for furnishing the material and doing the work of making the improvement declared to be expedient as aforesaid, in accordance with the plans and specifications therefor as hereinbefore provided, and may let the contract therefor to the lowest responsible bidder. The successful bidder shall be required to give a bond in such sum as the township board and highway commissioner, acting together, shall require, conditioned for the furnishing of the material necessary and the doing of said work in accordance with said plans and specifications, and subject to the approval of said township board and commissioner of highways. The township board and commissioner of highways shall have the right to determine the details of the contract with such lowest bidder, in respect of the time within which the work is to be completed, the method and time of payment, and in all other respects not hereinbefore provided for. Payment upon such contracts shall be made by the township treasurer upon orders of the township board given in the manner provided by law.

SEC. 6. For the purpose of meeting and paying the principal and interest upon the bonds issued in pursuance of this act and of keeping the highway so improved in repair a special fund to be known as the "Centerline Road Fund" shall be provided by said township board. The commissioner of highways shall, each year, in connection with his annual report to the township board as provided by law, also include an estimate of the amount of money which, in his judgment, will be necessary to keep said highway after it is so improved, in repair during the ensuing year. To the sum so reported said township board shall add a sum sufficient to pay the interest to become due during the ensuing year upon the bonds outstanding, issued in pursuance of this act, and is hereby authorized to raise by assessment upon the taxable property of the township the total sum necessary to pay

When township board may issue bonds.

Rate of interest.

How negotiated.

When board to let contract.

Contractor to give bonds.

Payment on contracts.

Special fund provided.

Duty of highway commissioner.

Of township board.

**Board may raise sinking fund.** said interest and to keep said highway in repair. Said township board is also authorized to raise by assessment upon the taxable property of said township such sum as it shall determine, nor exceeding three thousand dollars in any one year, to be placed in a sinking fund for the payment of the principal of said bonds so outstanding. The sum so determined shall be assessed, levied and collected in the manner provided for the assessment, levy and collection of other taxes of said township. The fund so raised for repairs shall be used for repairs upon the highway so improved and for no other purpose. The township board is also authorized to pay over to and apply upon said Centerline Road fund and said sinking fund, such sum as it may desire to take out of the general funds of said township. Such sums as shall be placed in such fund from time to time for the purpose of meeting and paying the principal of said bonds shall be placed at interest by said township treasurer in a savings bank in the county of Macomb, to be approved by said township board, for the use and benefit of said township until such time as said sinking funds shall be used in meeting and paying said bonds.

**Total amount of bonds.** SEC. 7. No bonds shall be issued in pursuance of the terms and provisions of this act in an amount so that the total of bonds issued in pursuance thereof shall exceed five per cent of the total valuation of said township as shown by the last preceding assessment roll of said township.

**General law to apply.** SEC. 8. The general law relative to highways and townships and all special acts relating to said township wherever the same may conflict with the provisions of this act, are hereby suspended in their operations so far as the same are in conflict with the terms and provisions of this act.

This act is ordered to take immediate effect.

Approved March 10, 1903.

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[No. 300.]

AN ACT to change the name of Henry Heeres, of the city of Grand Rapids, of the county of Kent, State of Michigan, to Henry Harris.

*The People of the State of Michigan enact:*

**Name changed.** SECTION 1. The name of Henry Heeres, of the city of Grand Rapids, of the county of Kent, State of Michigan, is hereby changed to Henry Harris.

This act is ordered to take immediate effect.

Approved March 10, 1903.

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[No. 301.]

AN ACT to change the name of Remmelt R. Lukkein to Reynold R. Schmidt.

*The People of the State of Michigan enact:*

SECTION 1. The name of Remmelt R. Lukkein is hereby <sup>Name changed.</sup> changed to Reynold R. Schmidt.

This act is ordered to take immediate effect.

Approved March 10, 1903.

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[No. 302.]

AN ACT to change the name of Joseph Edward Short, of the county of Midland, State of Michigan, to Joseph Edward LeFevre.

*The People of the State of Michigan enact:*

SECTION 1. The name of Joseph Edward Short of the county <sup>Name</sup> of Midland, State of Michigan, is hereby changed to Joseph Edward LeFevre.

This act is ordered to take immediate effect.

Approved March 10, 1903.

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[No. 303.]

AN ACT to divide the township of Hudson in the county of Lenawee, into two election districts.

*The People of the State of Michigan enact:*

SECTION 1. The township of Hudson, in the county of Lenawee, is hereby divided into two election districts as follows: District number one shall consist of sections three, four, five, six, seven, eight, nine, ten, fifteen, sixteen, seventeen, twenty, twenty-one, twenty-two, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and such parts of sections eighteen and nineteen as are not now comprised and incorporated in the territorial limits of the city of Hudson, all situated in said township of Hudson; and district number two shall consist of sections one, two, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, thirty-six, all situated in said township of Hudson.

First election,  
where held.

SEC. 2. The first election to be held on the first Monday in April, nineteen hundred three, in said district number one shall be held at the grange hall or some other convenient or appropriate place to be selected by the township board of the said township of Hudson, at or near the center of said township; and said election to be held in district number two at the village of Clayton in said township of Hudson.

Township  
meetings,  
where held.

SEC. 3. The annual and special township meetings of said township shall severally be held at the place of election of district number one at or near the center of said township.

General law  
to apply.

SEC. 4. Said election district shall be subject to all the provisions of chapter ninety-five of the compiled laws of eighteen hundred ninety-seven, except the first section thereof, and all elections therein shall be conducted in the manner and by the officers prescribed by said chapter, and the votes cast thereat shall be canvassed in accordance with the requirements of said chapter.

This act is ordered to take immediate effect.

Approved March 10, 1903.

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[No. 304.]

AN ACT to authorize the township of Spring Lake, in the county of Ottawa, to raise by taxation the sum of three thousand five hundred dollars to pay for the building of a bridge over and across Hammond Bayou, on the north and south quarter line of sections eleven and fourteen in town number eight, north of range sixteen west, in said township.

*The People of the State of Michigan enact:*

Township may  
raise money  
for bridge.

SECTION 1. The township of Spring Lake in the county of Ottawa, is hereby authorized to raise by taxation, in addition to all other sums now authorized by law to be raised, the sum of three thousand five hundred dollars to pay for the building of a bridge across Hammond Bayou, on the north and south quarter line of sections eleven and fourteen in town number eight, north range sixteen west, in said township, said sum of money to be raised as follows: Two thousand dollars in the year nineteen hundred three, and one thousand five hundred dollars in the year nineteen hundred four.

Question to  
be submitted  
to electors.

SEC. 2. It is hereby made the duty of the township board of said township to submit the question of raising said sum of three thousand five hundred dollars by taxation, to the qualified voters of said township at the annual township meeting in said township in the year nineteen hundred three, giving due notice thereof by causing the same to be published in some newspaper generally circulating in the township and by posting said notices in at least six public places in said township at least ten

days before the time fixed for such election, which notice shall state the amount of money proposed to be raised in each of said years and the purpose to which it shall be applied.

SEC. 3. The vote upon such proposition shall be by printed ballot in the following words: "For the raising by taxation of the sum of three thousand five hundred dollars to pay for building a bridge across Hammond Bayou.—Yes." "For the raising by taxation of the sum of three thousand five hundred dollars to pay for building a bridge across Hammond Bayou.—No." Said election shall be conducted and the votes thereat canvassed in all respects as in other township elections and immediately upon the conclusion of such canvass the inspectors shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against it. Said inspectors shall endorse upon such certificate a declaration of the result of such election, which certificate and declaration shall then be filed with the clerk of said township.

SEC. 4. If a majority of all the votes cast are in favor of the proposition, the supervisor of said township is hereby authorized, and it shall be his duty to assess and levy upon the taxable property of said township the said sum of three thousand five hundred dollars as follows: The sum of two thousand dollars in the year nineteen hundred three, and the sum of one thousand five hundred dollars in the year nineteen hundred four, and the said money when collected, shall be kept in a separate fund and applied only to the purposes specified in this act.

This act is ordered to take immediate effect.

Approved March 10, 1903.

Form of  
ballot.

Election, how  
conducted.

When super-  
visor to as-  
sess and levy  
tax.

[No. 305.]

AN ACT to change the name of Anders Gommesen Skrader to Andrew Gommesen.

*The People of the State of Michigan enact:*

SECTION 1. The name of Anders Gommesen Skrader, of the Name city of Grand Rapids, State of Michigan, is hereby changed to Andrew Gommesen.

This act is ordered to take immediate effect.

Approved March 10, 1903.

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[No. 306.]

AN ACT to incorporate the village of Wolverine, in the county of Cheboygan.

*The People of the State of Michigan enact:*

Territory to contain.

SECTION 1. All that territory situate in the townships of Nunda and Wilmot in the county of Cheboygan, and described as follows, viz.: the west half of the southeast quarter, and the southwest fractional quarter of section six, and the west half of the northeast quarter and the northwest fractional quarter of section seven, all of town thirty-three north of range two west, township of Nunda; also the east half of the southeast quarter of section one, and the east half of the northeast quarter of section twelve in town thirty-three north of range three west, township of Wilmot; all said descriptions composing one square mile of territory according to the United States survey thereof, said territory including the recorded village plat of Torrey and the recorded village plat of Wolverine, and all the sub-divisions thereof, be and the same is hereby organized, incorporated, made and constituted a village by the name of Wolverine.

Powers and duties of village.

SEC. 2. The inhabitants of said village shall be and constitute a body corporate and politic, to be known and distinguished by the name and title of the village of Wolverine, and the said village shall be vested with all the powers and privileges and subject to all the restrictions and liabilities of villages organized under an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February twentieth, one thousand eight hundred ninety-five, and all acts amendatory thereof or in addition thereto.

First election.

SEC. 3. The first election of officers for said village shall be held on the first Monday in April, one thousand nine hundred three, at the C. W. Taylor building situated in said village.

Board of registration.

SEC. 4. J. C. Shier, George H. DePew, A. J. McKillip and H. V. Griffin are hereby constituted the board of registration and election for the purpose of registering voters for the first election, to be held in said village, and of acting as inspectors of election at said first election, and said board of registration is hereby directed to meet on the Saturday preceding the said first Monday in April, in the said C. W. Taylor building in the said village of Wolverine, and register the names of all persons, residents of said village presenting themselves for registration and having the qualification of voters under the constitution and laws of this State.

When to meet

SEC. 5. Notices of said first election of officers of said village shall be posted in three of the most public places in said village at least five days before the date of said election, which notice may be signed by any five electors in said village.

Notices of election.

SEC. 6. The said village of Wolverine shall in all things <sup>Village, how governed.</sup> not herein otherwise provided be governed by the said act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February twentieth, one thousand eight hundred and ninety-five, and the acts amendatory thereof and in addition thereto.

SEC. 7. In case the officers of said village are not elected at the time designated in section three of this act, the election <sup>When may hold special election.</sup> for such officers may be held at any time within one year from the time designated in said section, notice thereof being given as provided in section four of this act.

This act is ordered to take immediate effect.

Approved March 10, 1903.

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[No. 307.]

AN ACT to amend sections three, twelve and eighteen of an act, entitled "An act to provide for the incorporation of slack water navigation companies for the improvement of rivers in the counties of St. Joseph, Cass, Berrien and Cheboygan, and defining their powers and duties," approved March twenty-fifth, eighteen hundred sixty-seven.

*The People of the State of Michigan enact:*

SECTION 1. Sections three, twelve and eighteen of an act, <sup>Sections amended.</sup> entitled "An act to provide for the incorporation of slack water navigation companies for the improvement of rivers in the counties of St. Joseph, Cass, Berrien and Cheboygan, and defining their powers and duties," approved March twenty-fifth, eighteen hundred sixty-seven, are hereby amended so as to read as follows:

SEC. 3. There shall be a meeting of the stockholders to be held at the principal office of the company, for election of directors to serve for the ensuing year, notice of which, appointing a time and place shall be given by the directors then in office, which notice shall be published not less than twenty days previous thereto, in a newspaper published in said county, through which the improvement on such rivers may extend, and in case no newspaper is published in said county, the same shall be published in some newspaper published in the City of Detroit. Three judges of election shall be chosen by the board of directors previous to the first regular or annual meeting thereof of stockholders, who shall be stockholders but not directors at the time of such election, whose duty it shall be to receive the votes of stockholders at such election, and who shall openly count the votes and

declare the result, and shall furnish the directors elected at such meeting with a certificate of their election, which certificate shall be evidence of their authority to act as such directors; not less than three nor more than thirteen directors

**Election to be by ballot.** shall be chosen at such meeting. The election shall be by ballot, and by a majority of the voters present, in person or by proxy; any stockholder present shall be entitled to give one vote for any share of stock he may have owned for ten days next preceding such election, but no stockholder shall vote at such election upon any stock except such as he shall have owned ten days next prior thereto; no person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at

**Annual meetings.**

the election to which he shall be chosen. There shall be an annual meeting of the stockholders in each year after the one above mentioned, to be held, governed and conducted in the same manner. The directors elected by the stockholders shall hold their office for one year, and until others are elected and qualified to fill their places.

**May hold real estate.**

SEC. 12. Such company shall have power to purchase and hold all real estate necessary for it for the construction of one or more dams, locks and embankments and it may also purchase and hold all lands that may be overflowed by the backwater from any dam or dams that it may own or acquire, and it shall also have power to purchase, hold and convey any other real estate necessary in procuring and utilizing hydraulic power directly or indirectly, and it shall be lawful for such company to construct canals and races from any dams owned by it, and to occupy, rent or sell the power so created upon such terms as it may deem proper, and it shall also have power and authority to use the water power so owned by it for the manufacture and generation of electrical current and may then vend such electrical current to all persons and corporations for light, heat and power purposes.

**May construct dams, etc.**

SEC. 18. It shall be lawful for such company to purchase

in fee, hold and convey, any real estate that it may deem desirable upon which to use for manufacturing purposes, all the surplus water that may be afforded by the dams erected by said company, in such river; and said company, through its directors or agents, shall have full power to sell, lease or rent, for any determinate period, any portion of said power,

**May sell power.**

and to regulate the use of the same, and by its by-laws provide a mode to enforce such contributions from lessees or purchasers of such water power as said company may deem necessary, to maintain and keep in repairs its dams, and the flumes and races that may issue therefrom, and said company is further authorized to use any water power owned by it in generating electrical current and selling the same for light,

**May do electric lighting.**

heat and power purposes, and such company may, with the consent of the corporate authorities of any county, city, village or township, erect poles and string thereon wires, or may lay conduits, and maintain the same, in, over and upon

any streets, alleys, roads, public grounds, bridges and public places for the purpose of conveying and distributing electrical current, but such permission shall be given for a term not exceeding thirty years.

This act is ordered to take immediate effect.

Approved March 10, 1903.

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[No. 308.]

AN ACT to authorize the city of Saginaw to borrow money to be used in building a bridge and approaches at Genesee street, across Saginaw river in the city of Saginaw, county of Saginaw, and to issue bonds therefor, and to repeal act number four hundred forty-six of the local acts of eighteen hundred ninety-nine, entitled "An act to authorize the city of Saginaw to borrow money to be used in building a bridge and approaches at Genesee street, across the Saginaw river in the city of Saginaw, county of Saginaw, and to issue bonds therefor," approved June fifteenth, eighteen hundred ninety-nine.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Saginaw be Council may borrow money, issue bonds, etc. authorized and empowered to borrow, on the faith and credit of said city, after the same shall have been first approved by the board of estimates thereof, the sum of not exceeding two hundred thousand dollars, for a period of not exceeding twenty years, at a rate of interest not exceeding five per cent per annum, and to make, execute, negotiate, issue and sell the bonds of said city therefor with proper interest coupons attached thereto, in such manner as said common council shall determine, which said bonds in no case shall be sold for less than their par value.

SEC. 2. Said bonds shall be denominated bridge bonds and Money, how used. the proceeds thereof shall be used in defraying the expense of building approaches to and the building of a bridge across the Saginaw river at Genesee street, in the city of Saginaw, County of Saginaw and State of Michigan, and for no other purposes.

SEC. 3. Whenever the common council of said city shall have decided upon the building of such bridge, it shall so declare by resolution; and the board of public works of said city with all convenient dispatch shall determine as to the particular kind, and estimate the quantity of material, to be used therefor, and estimate in detail the probable cost and expense of such work and the material to be used therein, and make a record thereof in their office; and cause to be prepared plans and specifications in detail for such work or improvement,

**To advertise  
for proposals.**

and place the same on file in their office, and report their determination and estimates to the common council. When such plans and specifications shall have been submitted to the common council and adopted by it, the said board of public works shall advertise for proposals for the furnishing of material and for the performance of such work in accordance with the plans and specifications so recommended and adopted. In all cases, whether such plans are for a style of bridge covered by letters patent or otherwise, the said common council, before bids are advertised for, shall acquire and own such plans and specifications, and secure the right to construct or cause to be constructed, a bridge at Genesee street in said city, in accordance therewith, and to maintain and operate the same: Provided, however, That no more than seven thousand five hundred dollars shall be expended for the procuring or preparation of such plans and specifications, and securing the right to construct, maintain and operate any such bridge. The said board of public works shall require all bidders to furnish security for the performance of the proposals tendered to said board, if the bid is accepted, and also security for the performance of any contract awarded; and all bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter, reported by the said board, together with its recommendation with respect thereto, to the common council. No such contract shall be let except to the lowest responsible bidder nor unless it be first recommended by the said board of public works and authorized by the common council, nor shall any such contract be executed until the issue of said bonds has been approved by said board of estimates.

**To whom con-  
tract to be let.**

SEC. 4. Act number four hundred forty-six of the local acts of eighteen hundred ninety-nine, entitled "An act to authorize the city of Saginaw to borrow money to be used in building a bridge and approaches at Genesee street, across the Saginaw river in the city of Saginaw, county of Saginaw, and to issue bonds therefor," approved June fifteenth, eighteen hundred ninety-nine, is hereby repealed.

This act is ordered to take immediate effect.

Approved March 12, 1903.

**Repealing  
clause.****Proviso as to  
amount used  
for plans, etc.****Bidders to  
give security.**

## [No. 309.]

AN ACT to amend section one of act number three hundred eleven of the local acts of eighteen hundred ninety-five, entitled, "An act to incorporate the city of Petoskey, and to repeal all acts and parts of acts relative to the incorporation of the village of Petoskey," as amended by act number four hundred fifty-five of the local acts of nineteen hundred one.

*The People of the State of Michigan enact:*

SECTION 1. That the following described territory in the ~~Territory to contain.~~ county of Emmet in the State of Michigan, bounded and described as follows, to wit: Commencing at the northwest corner of the northeast fractional quarter of section one in township thirty-four, north of range six west and running thence south on the quarter line to the southwest corner of the southeast quarter of said section one; thence east on the section line to the southeast corner of said section one; thence south on the section line to the southwest corner of the northwest quarter of the northwest quarter of section seven in township thirty-four, north of range five west; then east on the eighth line to the southeast corner of the northeast quarter of the northwest quarter of said section seven; thence south to the southwest corner of the northeast quarter of said section seven; thence east on the quarter line of sections seven and eight, in said sections seven and eight, in said township, to the southeast corner of the southwest quarter of the northeast quarter of said section eight; thence north on the east eighth line of sections eight and five of said township and of section thirty-two in township thirty-five north of five west, to a point within twenty chains and thirty-four links of where said line reaches Little Traverse Bay, according to the government survey; thence running south eighty-six degrees and fifty minutes west two chains and thirty-seven links; thence north three degrees and ten minutes west eleven chains and ninety-three links; thence north seventy-one degrees and forty-five minutes west six chains and seventy-six links more or less to the shore of Little Traverse Bay; thence following low water mark along the shore of said bay, southwesterly to the place of beginning, be and the same is incorporated and made, constituted and organized into a city, to be known as the city of Petoskey.

This act is ordered to take immediate effect.

Approved March 12, 1903.

## [No. 310.]

AN ACT to change the name of the township of Egleston, of the county of Emmet, to McKinley.

*The People of the State of Michigan enact:*

Name changed.

SECTION 1. That the name of the township of Egleston, in the county of Emmet, be and the same is hereby changed to McKinley.

This act is ordered to take immediate effect.

Approved March 12, 1903.

## [No. 311.]

AN ACT to provide for additional powers and duties vested in the common council of the city of Marine City, county of St. Clair.

*The People of the State of Michigan enact:*

May designate depository for city funds.

SECTION 1. That the common council of the city of Marine City and county of St. Clair, shall have power and it is hereby made its duty to designate a bank or other depository for the care and custody of the city moneys and funds, the same to be designated at the first meeting of said common council in the month of June in the year nineteen hundred three, and thereafter annually in the month of June, on a notice published in the city of Marine City, setting forth that said city moneys will be let out to the bank or depository paying the highest rate of interest on daily balances: Provided, That said depository or bank shall give a bond to said common council with sufficient sureties to be approved by said council and city treasurer of said city, and in such amount as said council may direct, conditioned for the faithful care and custody of the moneys so deposited with the said bank or depository: Provided further, That the sureties on the said bond shall be persons other than the directors of the bank or other depository so designated by the common council of said city.

Proviso.

Further proviso.

Money to be deposited daily.

Failure to comply, a misdemeanor.

SEC. 2. It shall be the duty of said common council to prescribe and direct that all moneys of said city shall be deposited in said bank or depository, so designated, daily, and it shall be the duty of the treasurer of said city to deposit all moneys of said city in such bank or depository so designated, daily.

SEC. 3. Any member of said city council or any officer of said city who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor and on convic-

tion thereof, shall be fined in a sum not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both such fine and imprisonment.

This act is ordered to take immediate effect.

Approved March 12, 1903.

[No. 312.]

AN ACT to provide for additional powers and duties vested in the school board of fractional school district number one, township of Cottrellville, county of St. Clair.

*The People of the State of Michigan enact:*

SECTION 1. That the school board of fractional school district number one, township of Cottrellville and county of St. Clair, shall have power, and it is hereby made its duty to designate a bank or other depository for the care and custody of the moneys and funds of the said school district, the same to be designated at the first meeting of said school board in the month of May, in the year nineteen hundred three, and thereafter annually in the month of May, on a notice printed in some newspaper published in the city of Marine City, setting forth that the moneys of said school district will be let out to the bank or depository, paying the highest rate of interest on daily balances: Provided, That said depository or bank shall give a bond to said school district with sufficient sureties to be approved by said school board, and in such amount as such school board may desire, conditioned for the faithful care and custody of the moneys so deposited with the said bank or depository.

Board may designate depository for district money.

SEC. 2. It shall be the duty of said school board to prescribe and direct that all moneys of said school district shall be deposited in said bank or depository so designated, daily, and it shall be the duty of the treasurer of said school district, to deposit all moneys of said school district in such bank or depository, so designated, daily.

Money to be deposited daily.

SEC. 3. Should the said school board fail to comply with the provisions of this act, each member thereof shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both such fine and imprisonment, in the discretion of the court.

Failure to comply a misdemeanor.

This act is ordered to take immediate effect.

Approved March 12, 1903.

## [No. 313.]

AN ACT to authorize school district number four, of the township of Ecorse, county of Wayne, and State of Michigan, to borrow money and issue bonds therefor in the sum of fifty thousand dollars, to be used in the erection of a school building or school buildings in said district, and furnishing the same and in the purchase of a site or sites therefor.

*The People of the State of Michigan enact:*

**Bond issue by  
school  
district.**

SECTION 1. School district number four, of the township of Ecorse, county of Wayne, and State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said school district, a sum of money not to exceed fifty thousand dollars, for a term not exceeding thirty years from date of issue, at a rate of interest not exceeding five per cent per annum payable semi-annually, at such place or places as the board of trustees of said school district may determine, and to issue the bonds of said district therefor, in such denominations as the said board of trustees may by a majority vote of all the members thereof elect, determine: Provided, however, That no such bonds shall be sold for less than par value, and, Provided further, That no bonds shall be issued or moneys borrowed for the purpose of the construction of said school building or school buildings and for the furnishing of same, or the purchase of a site or sites therefor, until the question of borrowing such sum of money and issuing of said bonds therefor shall be first submitted to a vote of the electors of said school district qualified under the laws of the State of Michigan to vote on questions which directly involve the raising of money by tax for said school district, present at any annual or special meeting appointed and called by the board of trustees of said school district for the purpose of voting thereon, and unless the borrowing of such sum of money and the issue of said bonds therefor shall be authorized by the affirmative vote of a majority of such qualified electors voting upon said proposition at such meeting.

**Proviso.**

**Further  
proviso.**

**Question to be  
submitted to  
electors.**

**Notice of.**

**Who to con-  
stitute board  
of inspectors.**

SEC. 2. The board of trustees of said district shall submit the question of making such loan and issuing said bonds to the electors mentioned in section one of this act, at any annual meeting of said district, or at any special meeting called by said board for the purpose of voting on such proposition, and public notice of such meeting, which shall contain a statement of the time, place and object thereof, shall be given by said board of trustees, by causing copies of such notice to be posted in at least five public places, in said district, not less than six days before the time of such meeting.

SEC. 3. At such annual meeting, or at the special meeting provided for in section two of this act, at which the proposition of issuing said bonds may be submitted to the electors of said district, the moderator, director and treasurer (formerly called assessor) of said school district, shall constitute a

board of inspectors, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open for two hours after the time fixed for the meeting, in the notices thereof. The vote upon such proposition shall be by ballot, either printed or written or partly printed and partly written, and the proposition shall be stated upon such ballots in the following form: "For borrowing the sum of <sup>Form of</sup> fifty thousand dollars and issuing the bonds of school district <sup>ballot.</sup> number four of the township of Ecorse, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum, and for not to exceed thirty years, to be used in the erection of a school building or school buildings in said district and furnishing the same, and in the purchase of a site or sites therefor—Yes." And "For borrowing the sum of fifty thousand dollars and issuing the bonds of school district number four of the township of Ecorse, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum and for not to exceed thirty years, to be used in the erection of a school building or school buildings in said district and furnishing the same, and in the purchase of a site or sites therefor—No." And the ballots shall be deposited in a separate ballot box provided for the purpose. At the closing of the polls the inspectors shall canvass the ballots and publicly declare the result thereof, and record the same in the school district records.

SEC. 4. If at such meeting a majority of such qualified electors present thereat and voting upon such proposition shall vote in favor of such loan and issuing said bonds therefor, the board of trustees of said district shall thereupon be authorized to borrow not to exceed the sum of fifty thousand dollars and to issue the bonds of said district therefor, which bonds shall be executed in such proper form and by such officers of the board as the board of trustees of said district shall direct, and the said bonds may be disposed of from time to time in such quantities as such board of trustees may deem necessary.

SEC. 5. The money borrowed under the provisions of this act shall be applied as follows, viz.: To the construction and erection of a school building or school buildings, and for the furnishing of the same for the use of said school district, and for the purchase of a school site or sites therefor to be located in such place or places in said school district as the board of trustees of said district may determine.

SEC. 6. It shall be the duty of said board of trustees of school district number four, of the township of Ecorse, to provide by tax upon all the taxable property in said school district, or from any fund it may have on hand and not otherwise appropriated, for the payment of said sum of fifty thousand dollars, and interest, upon all bonds issued under authority of this act, and the board of trustees of said school district is hereby authorized to raise by tax in each year, in

**addition to all other school taxes, a sum sufficient to provide for the payment of the interest on said bonds.**

**Intent and purpose of act.**

SEC. 7. It is the intent and purpose of this act to enable and empower the said school district number four to raise and realize the sum of fifty thousand dollars, over and above and in addition to all sums which said district may borrow and become indebted for under the general statutes of the State, relative to the indebtedness of school districts, and this act shall not be construed to limit or impair the power and authority which said school district may have under the said general statutes of the State to borrow money and become indebted therefor, and all sections of the general school law of this State inconsistent with the provisions of this act are and the same shall be inoperative as to said district, but all sections of the general school law of this State not inconsistent with the provisions of this act, are and the same shall be and remain in full force in said district.

This act is ordered to take immediate effect.

Approved March 12, 1903.

[No. 314.]

**AN ACT to authorize the city of Coldwater to create and appoint and prescribe the powers and duties of a board of public works to have the care and management of the system of water works, electric light plant, sewers, drains and other public improvements of the city of Coldwater, which are or may be constructed, owned and operated by said city.**

*The People of the State of Michigan enact:*

**Council may establish board of public works**

SECTION 1. The common council of the city of Coldwater may, by resolution duly passed and entered on its records, create and appoint a board of public works to have the care and management of the system of water works, electric light plant, sewers, drains and streets, and other public improvements of the city of Coldwater which are or may be constructed, owned and operated by said city.

**Number of board.**

SEC. 2. There may be created and constituted in the city of Coldwater, subject to the provisions of this act, a board of public works, composed of five members who shall be freeholders and electors of the city, and shall serve without compensation. Such board shall, as near as may be, be non-partisan, no more than three members to be appointed from any one political party and shall be appointed by the mayor, by and with the consent of the council. At the first appointment of the members of said board, which shall be within

**To be non-partisan.**

thirty days after the passage of this act, one member shall be appointed for the term of one year, one member for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years from the first Monday of May next thereafter, and on the first Monday of May of each year thereafter one member shall be appointed for the term of five years unless otherwise provided in this act.

SEC. 3. Said board shall, within ten days after their first appointment and annually thereafter during the month of January, organize and elect one of their number president. A majority of the board shall constitute a quorum for the transaction of business. The city clerk shall be ex-officio clerk of said board, but shall have no vote therein. It shall be his duty to perform all the clerical labor required by said board, and he shall have charge of all its books, records, accounts and papers.

SEC. 4. The said board of public works, subject to the direction of the council, is hereby charged and entrusted with the following duties, powers and responsibilities:

First, The construction, management, supervision and control of such water-works as are or shall be owned by the city;

Second, The construction, management, supervision and control of such electric or other lighting plants as are or shall be owned by the city;

Third, The management and supervision of the sewers, sewerage system and drainage of such city, and of the construction thereof;

Fourth, Such other public improvements or works as the common council may, by ordinance, place under their management, supervision and control.

SEC. 5. The said board shall have the power to make and adopt all such by-laws, rules and regulations as they may deem necessary and expedient for the transaction of their business, not inconsistent with the ordinances of the city or the provisions of this act.

SEC. 6. Whenever the expense of constructing or repairing any public work placed under the control of the board of public works shall not exceed the sum of two hundred dollars, the work shall be done by such board in such manner as they may deem proper; but whenever such expense shall exceed the sum of two hundred dollars, then the said board shall submit the plans, diagrams, profiles and estimates thereof to the council for their approval, and when so approved the board shall, subject to the approval of the council, cause such work to be done by contract, or otherwise in such manner as they may deem proper: Provided, That if the expense

shall exceed the sum of five hundred dollars, the board shall advertise for sealed proposals, and shall give such notice as the council may direct, and shall let the contract to the lowest responsible bidder who shall be deemed competent to do the work and give adequate security for the performance

thereof, which contract and security shall be approved by the council.

To report to council.

SEC. 7. All work done under the supervision of said board shall be reported to the council from time to time, and no money shall be paid out of the treasury on account of any work so done until the council shall have authorized the same and ordered the same paid by warrant drawn on the city treasurer, and all claims or accounts against the city that in any manner relate to the works in charge of such board or that have been incurred by such board shall first be submitted to and approved by the said board of public works before the council shall be authorized to order such warrant drawn. It shall be the duty of the board to make an annual report to the council on the third Monday in April, of each year, which report shall embrace an itemized statement of the revenues and the expenditures relating to or connected with each of the works under their control, keeping a separate account of each fund, and a statement of the condition, progress and operation of said works. They shall also make such other reports and furnish such other information to the council as that body shall by resolution or ordinance provide.

To make estimates of money needed.

SEC. 8. On or before the second Monday of May, in each year, the board of public works shall submit to the common council careful estimates in detail of the amount of money, which, according to the judgment of the board, will be needed for the water works fund, the light fund and the sewer fund during the ensuing year, which estimates may be increased, modified or adopted by the said common council as in its judgment may seem justifiable.

To pay certain money into city treasury.

SEC. 9. The board of public works shall, on the first Monday of each month, pay into the city treasury to the credit of the water, light, sewer or other fund, as the case may be, all moneys received by them and belonging to any such fund, and shall file a detailed statement thereof, together with the receipt of the treasurer attached thereto, with the city clerk who shall report the filing of such statement and receipt to the council.

Duty relative to payment of water, etc., rates.

SEC. 10. The board of public works may provide when and to whom all water and light rates, and other moneys collectable by them shall be paid, and what steps shall be taken to enforce payment thereof, and may provide in case of non-payment that such water, light or sewerage connection be shut off or stopped as to any person neglecting or refusing to make such payment; and may also collect the same in an action of assumpsit on the common counts in any court of competent jurisdiction.

To appoint street com. missioner, etc.

SEC. 11. The board of public works is hereby empowered, subject to the approval of the council, to appoint the street commissioner of said city and to employ all necessary officers, agents and employees that they may deem necessary to operate, carry on and improve all the public works and duties placed under their care and supervision and subject to the

approval of the council, to fix the salaries and compensation of such employees.

SEC. 12. All acts and parts of acts inconsistent herewith are hereby repealed, provided that the present board of water works and electric light commissioners shall continue and exercise their full authority until the board of public works is appointed and qualified, and provided further that all contracts and agreements now existing by and between the inhabitants of said city and the board of commissioners are hereby continued in the board of public works. Present board to hold over.

SEC. 13. The question of the creation and appointment of the board of public works provided for in this act shall be submitted to the legal voters of said city at the annual city election to be held on the first Monday of April in the year one thousand nine hundred three, or at a special election to be called or ordered by the common council of said city for that purpose at any time after the passage of this act; and the said common council is hereby authorized and empowered to submit the question of the creation and appointment of said board of public works to the qualified electors of said city at such general or special city election giving due notice thereof, by causing the date, place of voting and purpose of this act to be printed in two of the newspapers published and printed in said city and to be posted in at least three public places in each voting precinct in said city, not less than ten days prior to said election. The ballots to be voted at said election shall be written or printed, or partly written and partly printed, and of the following form: Question to be submitted to electors. Notice of election. Form of ballot.

For the appointment of a board of public works—Yes, [ ].

For the appointment of a board of public works—No, [ ].

Each elector in favor of the appointment of a board of public works shall place a cross in the square after the word "Yes" and each elector voting against said proposition shall place a cross in the square after the word "No." Said vote shall be canvassed the same as the vote at regular city elections and the result certified to the common council by the board of city canvassers. If it shall appear from such canvass and the certificate furnished to the common council that a majority of the electors voting upon said proposition have voted in favor of its adoption, then in that case the said council shall proceed to carry out the provisions of this act and the same shall become and be operative and of full force and effect, otherwise the same shall be null and void. Method of voting. When act to take effect.

This act is ordered to take immediate effect.

Approved March 12, 1903.

[No. 315.]

AN ACT to legalize certain proceedings of the city council of the city of East Tawas, Iosco county, Michigan, in the purchase of land for the extension of the water works and electric light plants of said city, and to authorize the raising of ten thousand dollars by issuing the bonds of said city with which to pay the indebtedness incurred by said city in purchasing such lands, and to provide a tax to meet the payment of said bonds.

• *The People of the State of Michigan enact:*

**Proceedings  
legalized.**

SECTION 1. The proceedings of the city council of the city of East Tawas, Michigan, had and taken on the fourteenth day of November, nineteen hundred two, providing for the purchase and payment of purchase price of certain lands within the said city of East Tawas, for the purpose of extending and improving the water works and electric light systems and plants, within said city, is hereby legalized and the said city of East Tawas be declared to be legally obligated to pay all orders heretofore issued as the purchase price of said lands.

**Bond issue by  
city.**

SEC. 2. The city of East Tawas, by and through its council, is hereby authorized and empowered to borrow money on the faith and credit of said city and issue bonds therefor to an amount not exceeding ten thousand dollars, which sum shall be used in improving and extending the water works and electric light plants of said city, and in paying all indebtedness outstanding incurred by said city council in the purchase of land and other improvements in connection with the water works and electric light plants of said city.

**Question to be  
submitted.**

SEC. 3. The question of raising said money by loan shall be submitted to the electors of said city at the next regular election, and the vote shall be taken, as near as may be, in compliance with chapter six of act two hundred fifteen of the public acts of Michigan for eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class."

**When bonds  
may be issued.**

SEC. 4. If such loan shall be authorized by a two-thirds vote of the electors voting therefor at such election, said bonds may be issued in such sums, not exceeding the amount of ten thousand dollars and payable at such time and with such rate of interest, not exceeding six per cent per annum, as the city council may direct and such bonds shall be signed by the mayor of said city and countersigned by the clerk and negotiated by and under the direction of said city council for a sum not less than the par value of such bond.

**Amount and  
interest.**

SEC. 5. All money derived from the negotiating of bonds, as authorized by this act, shall be applied under the direction of the city council for the purpose of paying for the lands heretofore purchased or which may be hereafter purchased for the extension and improvement of the water works and

**Moneys, how  
expended.**

electric light plant of said city and the paying of all indebtedness heretofore incurred in connection with said plants and in the payment of outstanding orders heretofore issued by said city council for the purchase of lands in connection with said water works and electric light plants.

SEC. 6. It shall be the duty of the city council and the tax officers of said city and they shall have power to raise by tax upon the taxable property of said city such sum or sums as shall be sufficient to pay the amount of said bond and interest thereon when the same shall become due and payable.

This act is ordered to take immediate effect.

Approved March 12, 1903.

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[No. 316.]

AN ACT to organize the township of Pointe Aux Barques, in the county of Huron.

*The People of the State of Michigan enact:*

SECTION 1. All of fractional sections twenty, twenty-one and twenty-two, in township number nineteen north of range number thirteen east, now forming a portion of the township of Port Austin, in the county of Huron, are hereby set off from the residue of said last named township and organized into a separate township by the name of Pointe Aux Barques. The first township meeting thereof shall be held at the United States life saving station in township number nineteen north of range thirteen east, on the first Monday of April, A. D., nineteen hundred three.

SEC. 2. Henry H. Gill, William F. Schultz and Albert Bra- bow are hereby made and constituted a board of inspectors for said township election, and at such election the qualified electors shall choose, by ballot, persons to fill the various township offices, in manner and form as provided by the general laws of the State in case of township elections.

SEC. 3. If for any reason the township meeting provided for in section one shall not be held at the time specified for holding the same, it shall be lawful to hold the same at any time thereafter by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notice thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election, or a majority of them.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls at such

**Who to constitute registration board.** election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend such meeting.

**SEC. 5.** The said Henry H. Gill, William F. Schultz and Albert Brabow, or a majority of them, shall constitute a board of registration with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at said United States life saving station.

**Act not to affect school districts.**

**SEC. 6.** The provisions of this act shall in no way affect the boundaries of any school district or districts, a part of whose territory is now included within the limits of the township hereby created, but the said district or districts shall be made and constituted into fractional school district of the township or townships in which the schoolhouses shall be situated, after the township of Pointe Aux Barques is created.

This act is ordered to take immediate effect.

Approved March 12, 1903.

[No. 317.]

**AN ACT** to authorize the township board of the township of Moran, county of Mackinac, to divide the said township into two election precincts and to appoint boards of registration and election inspectors therefor.

*The People of the State of Michigan enact:*

**Division into districts.**

**SECTION 1.** The township board of the township of Moran, county of Mackinac, is empowered and authorized to divide said township into two election precincts and to appoint an additional board of registration and election inspectors for the first election after the passage of this act.

This act is ordered to take immediate effect.

Approved March 12, 1903.

[No. 318.]

**AN ACT** to authorize the township board of the township of Sherman, county of Keweenaw, to divide the said township into two election precincts and to appoint boards of registration and election inspectors therefor.

*The People of the State of Michigan enact:*

**Division into districts.**

**SECTION 1.** The township board of the township of Sherman, county of Keweenaw, is empowered and authorized to divide said township into two election precincts and to ap-

point an additional board of registration and election inspectors for the first election after the passage of this act.

This act is ordered to take immediate effect.

Approved March 12, 1903.

[No. 319.]

**AN ACT to define the duties of the coroners of the county of Kent, to fix their qualifications and to provide for their compensation.**

*The People of the State of Michigan enact:*

SECTION 1. It shall be the duty of each of the coroners of the county of Kent to provide for the use of his office, a docket, books, docket and all necessary books, blanks and stationery, the bills therefor to be audited and allowed by the board of supervisors.

SEC. 2. Each of said coroners shall receive from the county of Kent an annual salary of fifteen hundred dollars, payable monthly, which salary shall be in lieu of all fees and emoluments now or hereafter attaching to the said office or rising out of the performance of the duties thereof or such duties as they exercise by virtue of being coroner, which salary shall be paid as aforesaid on the order of the county clerk of said county on the treasurer thereof. No mileage shall be allowed in any case.

SEC. 3. No person except he be a legally authorized physician shall be eligible to the election of coroner of said county. It shall be the duty of each of the said coroners to keep a true record of all the official acts and inquests held by each of them and to enter in their docket the same and an itemized expense account of each inquest or other services performed. Said dockets and all other books and files to be public property and to be open for inspection during office hours at the office of each of the said coroners.

SEC. 4. When in the judgment of either coroner having charge of a case he shall deem it necessary to call another physician as an expert witness or give testimony as an expert it shall be his duty to call the other coroner, and the coroner thus called shall serve in such capacity without extra charge therefor. Provided, however, That in case of the inability of the coroner thus called to act as such witness he shall at his own expense, supply another physician for that duty, and when requested in a post mortem investigation by the friends of the deceased, the said friends may, without cost to the county, furnish a physician who may make such investigation and give testimony therein.

Physician to sign death certificate.

SEC. 5. In all cases where the immediate cause of death is unknown, it shall be the duty of the attending physician under oath to fill out and sign a death certificate upon the presentation of the same by the undertaker or any other interested person having the burial of the body in his charge. Provided, however, That this provision shall not apply to cases of sudden death or to fatalities wherein there is or has been no attending physician.

Proviso.

Report of inquest, to whom made.

Duty of coroner.

To make monthly report to clerk.

Repealing clause.

Violation of act a misdemeanor.

When salary of coroners to take effect.

SEC. 6. When an inquest shall be held by a proper officer otherwise than a coroner, such officer shall inside of ten days make a complete report of said inquest and an itemized bill of expense attending same to one of said coroners. If on receiving the report such coroner deems it expedient for any reason to question the said officers' action, verdict or expense he shall at once repair to the said place and make investigations and if it is in his judgment deemed advisable, the said coroner shall report his findings in writing to the prosecuting attorney forthwith and enter memorandum of his action and doing in relation thereto in his docket.

SEC. 7. Each coroner shall make a monthly report of all inquests and expenses and all acts pertaining to his said office and file the same with the county clerk of Kent county, on or before the tenth day of each month.

SEC. 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 9. Any person or persons violating all or any part of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail for a period not exceeding ninety days or both, in the discretion of the court.

SEC. 10. The board of supervisors of Kent county are hereby authorized to make settlements with the coroners taking office in the county of Kent on the first day of January, nineteen hundred three, from the first day of January to the time this act takes effect, on the basis of the salary provided for by this act.

This act is ordered to take immediate effect.

Approved March 13, 1903.

## [No. 320.]

**AN ACT** to authorize and empower the village of Newaygo, in the county of Newaygo, and State of Michigan, to raise or borrow money and issue bonds therefor, not to exceed twenty thousand dollars, with which to construct a village hall, and to authorize a joint building as a village hall for said village and county court house for the county of Newaygo, and to provide for the submission of the question of said bond issue to the voters of said village.

*The People of the State of Michigan enact:*

**SECTION 1.** The village of Newaygo, in the county of Newaygo, and State of Michigan, is hereby authorized and empowered to raise or borrow money on the faith and credit of the said village, and issue bonds therefor to an amount not exceeding twenty thousand dollars, which shall be expended in the construction of a village hall for the use and purposes of said village, to be located in said village of Newaygo, under such rules and regulations as the common council of the said village of Newaygo may prescribe. And it shall be lawful for the common council of said village to enter into an agreement with the board of supervisors of the county of Newaygo whereby a building for the joint occupation, use and purposes of both said village and said county as a village hall and county court house may be erected, and the funds herein provided applied in the construction of the same. **Provided,** That a majority of the electors of said village, voting at an election held in accordance with the provisions of this act, shall vote in favor of the said loan in the manner specified in this act.

**SEC. 2.** The common council of said village is hereby authorized and empowered to submit the question of raising said money and issuing said bonds to the qualified electors of said village at a general or special election by resolution, setting forth the date, object and place of holding such election, the amount of bonds proposed to be issued, and whether it is to be a general or special election, copies of which resolution shall be securely posted in five public places in said village, at least ten days prior to the date of holding such election, and the same shall be published twice in at least one newspaper, published in said village of Newaygo, fourteen days previous to said election.

**SEC. 3.** The manner of conducting such election and canvassing said votes shall be the same as at general elections, held within said village, except those voting for the said loan shall have printed or written on their ballots the words, "For the loan—Yes," and those voting against the loan shall have printed or written on their ballots, "For the loan—No." Immediately upon the conclusion of such canvass the inspectors shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number

Bond issue for  
village hall

May enter  
into agree-  
ment with su-  
pervisors.

Proviso.

Council may  
submit ques-  
tion to  
electors.

Notices.

Election, how  
conducted.

Form of  
ballot.

of votes cast for and against said proposition respectively, upon which they shall endorse in writing the result of said election and file the same with the village clerk of said village, and a copy of which certificate and endorsement shall be filed with the clerk of Newaygo county.

**When bonds may be issued.**

SEC. 4. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited and payable at such times and places, and not exceeding twenty years from the date of such bonds, and at such rates of interest, not exceeding six per cent, as the said common council shall by resolution direct: Provided, That not more than five thousand dollars of said bonds shall become due in any one year. Said bonds shall be signed by the president and clerk of said village, countersigned by the treasurer and negotiated by and under direction of the common council of said village.

**Tax to pay bonds.**

SEC. 5. It shall be the duty of said common council to provide for the raising by tax upon the taxable property of such village such sums of money as shall be sufficient to pay the amount of such bonds and the interest thereon as fast as the same shall become due.

**Bonds at par.**

SEC. 6. No bonds issued under and by virtue of this act shall be used or negotiated at less than their par value.

This act is ordered to take immediate effect.

Approved March 13, 1903.

[No. 321.]

AN ACT relative to fences along those highways in Charlevoix county, which are used or hereafter shall be used as United States mail routes.

*The People of the State of Michigan enact:*

**Wire fences to be used.**

SECTION 1. All fences which are hereafter built along those highways in Charlevoix county, which are used or hereafter shall be used as United States mail or rural free delivery routes, shall be constructed of open wire fencing, and the building of any form of fence along such highways, which can cause the formation of snow drifts is hereby prohibited.

**Violation a misdemeanor.**

SEC. 2. Any person who shall violate the provisions of section one of this act, shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not less than twenty-five dollars nor more than fifty dollars for each twenty rods of fence so built in contravention of this act; and it shall be the duty of the commissioner of highways to make complaint against any person who may have constructed such illegal fence, and as soon as conviction of the person offending is had, the highway commissioner shall take down such part

**Duty of highway commissioner.**

of such unlawful fence, as it liable to cause the formation of snow drifts and lay the material of which it was constructed on the lands of the owner.

SEC. 3. The board of supervisors of Charlevoix county shall cause an examination to be made of the fences now standing along those highways in the county which are used as United States mail routes or United States rural free delivery routes, said examination to be made by the county surveyor in consultation with the commissioner of highways of the township, in which any such mail routes are located, and on the report of such examination, shall adopt a resolution setting forth that the removal of those fences or parts of fences which could cause the formation of snow drifts, specifying the same by the land description along which they are situated, is a necessary public improvement, and a requisite condition to the continuance of the rural free delivery of mails by the United States postal department, and that the necessary proceedings will be had for the removal or alteration of such fences; and that under the provisions of this act they take action for the appraisal, condemnation, alteration or removal of such fences.

SEC. 4. The appraisal of fences which are liable to cause snow drifts shall be in the following manner: The board of supervisors shall name one appraiser, the owner of such fence shall name a second appraiser, or, if the owner refuse or neglect to name an appraiser, then the judge of probate shall name one in his stead, and the two appraisers thus named shall choose a third. The appraisers shall all be freeholders of the township in which the fence is located. The three appraisers shall meet together and view the fence which it shall be intended to alter or remove, and shall fix upon the actual damage to the owner to be caused by the alteration or removal of the same, and deposit their report with the county clerk.

SEC. 5. Within twenty days from the date of the filing of the report of the appraisers, it shall be the duty of the owner of the fence to so alter or remove the same, and if the fence has not been so altered or removed at the end of thirty days from the date of filing of said report, it shall be the duty of the highway commissioner of the township to alter or remove the same with the least possible delay and expense.

SEC. 6. It shall be the duty of the board of supervisors, at their next meeting after the filing of the report of the appraisers, to direct the payment of the award by the drawing of an order on the county treasurer for the amount thereof; Provided. The provisions of this act shall not prevent the building or maintaining of snow fences where conditions require such fences.

Approved March 13, 1903.

Duty of board  
of supervisors.

When may  
cause removal  
of fences.

Appraisal of  
fences.

Damages, how  
fixed.

When owner  
to remove  
fence.

Supervisors  
to direct  
payment.

Proviso.

## [No. 322.]

AN ACT to incorporate the city of Muskegon Heights, in Muskegon county, and for that purpose to detach certain territory from Muskegon and Norton townships, in said county, and attach the same to said city, and to dissolve the corporation "Village of Muskegon Heights."

*The People of the State of Michigan enact:*

## TITLE I.

## INCORPORATION AND BOUNDARIES.

Territory to contain.

SECTION 1. That all the following tract and parcel of land situate in the county of Muskegon and State of Michigan, described as follows, to-wit:

Commencing at the northeast corner of the southeast quarter of the northeast quarter of section thirty-two, in town ten north of range sixteen west; thence south on section line between sections thirty-two and thirty-three, in said town; to the southeast corner of said section thirty-two, thence west along the south section line of said section thirty-two to the northeast corner of section five, in town nine north of range sixteen west; thence south along the section line between sections four and five, in said town nine north of range sixteen west, to the southeast corner of said section five; thence west along the section line between sections five and eight and between sections six and seven, in said town nine north of range sixteen west to the southwest corner of the southeast quarter of the southwest quarter of said section six; thence north along the west one-eighth line of said section six, in said town nine north of range sixteen west, to the north line of said section six; thence east along the north line of said section six to the southwest corner of the southeast one-quarter of the southwest one-quarter of section thirty-one, in town ten north of range sixteen west; thence north along the west one-eighth line of said section thirty-one to the northwest corner of the northeast quarter of the southwest quarter of said section thirty-one; thence east along the east and west one-quarter line of said section thirty-one to the center of said section thirty-one; thence north along the north and south one-quarter line of said section thirty-one to the northeast corner of the southeast quarter of the northwest quarter of said section thirty-one; thence east along the north one-eighth line of sections thirty-one and thirty-two in town ten north of range sixteen west, to the place or point of beginning; including all lands in said boundaries; be and is hereby set off from the township of Muskegon and the township of Norton, and declared to be a city by the name of "The City of Muskegon Heights," by which name it shall hereafter be known.

SEC. 2. The freemen of said city, from time to time, being Constituted inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and style of "The City of Muskegon Heights," and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatsoever, and shall have a common seal which they may alter or change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, and disposing of, any real and personal estate for said city. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving an attested copy of the same with the mayor or recorder.

SEC. 3. The city shall be divided into three wards, as follows: Divided into wards.

The first ward shall embrace all that portion of the city First. lying west of the center line of Sixth street and Woodlawn avenue;

The second ward shall embrace all that portion of the city Second. lying between the center line of Sixth street and Woodlawn avenue and the center line of Peck boulevard;

The third ward shall embrace all that portion of the city Third. lying east of the center line of Peck boulevard.

## TITLE II.

### REGISTRATION, ELECTORS AND ELECTIONS.

SECTION 1. The inhabitants of the city of Muskegon Qualifications of electors. Heights, having the qualifications of electors under the constitution of the State of Michigan, and no others, shall be electors therein.

SEC. 2. Every elector shall vote in the ward where he Where to vote. shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be where he lodges.

SEC. 3. There shall be three competent electors of each Board of registration. ward, not more than two of whom shall belong to the same political party, designated by the council, who shall constitute a board of registration for each of the wards respectively. In case any member of such board shall be absent or unable to attend any meeting of such board, the other members of said board shall choose a competent elector of said ward to act in his place, subject to the approval of the electors present, to be determined by a viva voce vote. Said board shall meet on the Saturday next preceding each election at such place in the vote as may be determined by the council, and shall remain in session from nine o'clock in the forenoon until nine o'clock in the afternoon for the purpose of completing the list of qualified electors. All proceedings relating Meetings, when held.

New registration.

to such registration shall be the same as those provided by law for townships, so far as they are not inconsistent with the provisions of this act. There shall be a new registration of the voters of the city of Muskegon Heights on the Saturday next preceding the first Monday in April in the year nineteen hundred three and on the Saturday next preceding the first Monday in April in the year nineteen hundred five and each fourth year thereafter.

City election,  
when held.

SEC. 4. A city election shall be held on the first Monday in April following the adoption of this charter, and on the first Monday in April of each year thereafter, at such places in the several wards of the city as the council shall designate.

Special  
election.

SEC. 5. Special elections may be held in and for the city or in and for any ward thereof, at such times and place or places as the council shall by resolution designate, the purpose and object of which shall be fully set forth in said resolution.

Notice of  
special  
elections.

SEC. 6. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in each ward where the same is to be held, a notice signed by the recorder specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the electors, and the day and places at which such election is to be held; the manner of holding such election shall be the same as at the annual city election.

Recorder to  
give notice of  
election.

SEC. 7. Notice of the time and place of holding any election, and of the officers to be elected, and the questions to be voted upon, shall be given by the recorder at least ten days before such election, by posting such notices in three public places in each ward in which the election is to be held. In case of a special election, the notice shall set forth the purpose and object of said election as fully as the same are required to be set forth in the resolution calling such election.

Council to pro-  
vide ballot  
boxes.

SEC. 8. The council shall provide and cause to be kept by the recorder, for use at all elections, suitable ballot boxes of the kind required to be kept and used in townships.

Time polls  
kept open.

SEC. 9. On the day of elections held by virtue of this act, the polls shall be open in each ward at the several places designated by the council at seven o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

Inspectors of  
election.

SEC. 10. Three competent electors of each ward, to be designated by the council, not more than two of whom shall belong to the same political party, shall be inspectors of election in each ward, and of the State, county and district election. And in case of the absence of one or more of such inspectors, the electors present shall choose *viva voce* from their number, one or more competent persons who shall be an elector or electors of such ward, not being members of the

same political party, to fill such vacancy or vacancies, to Oath of office. whom shall be administered the constitutional oath of office by either of said inspectors, or by any person authorized to administer oaths.

SEC. 11. The inspectors shall elect one of their number Clerks, etc., chairman of said board, and one of their number clerk of said board, and they may appoint one other competent elector to act as clerk also of said board. Members and clerks of the board of registration, and the inspectors and clerks of election shall each receive such compensation for their services as the council shall allow: Provided, That members and clerks of the board of registration shall not receive to exceed the sum of two dollars each for each registration, and that inspectors and clerks of election shall not receive to exceed the sum of three dollars each for each election. Proviso.

SEC. 12. No person shall act as a member of the board of To take oath. registration, inspector of election, or clerk of either of said boards, until he shall have taken the constitutional oath of office.

SEC. 13. All registration and elections under this act shall Registration governed by be conducted, controlled and governed by the general laws general laws. of the State, except as herein otherwise provided.

SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjournment or recess, publicly canvass the vote received by them and publicly declare the result and shall at once, without adjournment or recess, make one certificate of the number of votes given for each person for the several offices in and for said city, and also one certificate for the number of votes cast for the several ward officers, together with a statement and certificate, in duplicate, setting forth the whole number of votes cast for any other office, or on any other question voted upon at such election, which certificates and statements shall be immediately filed in the office of the recorder of the city, together with the poll lists and the register of electors, and the boxes containing said ballots: Provided however, That a duplicate of the state- Inspectors to canvass votes. ments and certificates last above mentioned shall at the same time be filed in the office of the county clerk of said county. Proviso.

SEC. 15. The manner of canvassing said votes shall be Manner of canvassing. the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform to the duties required of inspectors of election at such general elections.

SEC. 16. The council shall convene on Thursday next succeeding such election, at the usual hour and place of meeting, and proceed and canvass said returns, and from the statements and certificates so filed with the recorder, shall determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at said election to the several offices respectively within and for said Council to determine result of election.

**Certificates of election.** city, and the wards thereof. Thereupon the recorder shall make duplicate certificates under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon and what persons were declared elected to the several offices respectively, one of which certificates he shall file in the office of the county clerk of the county of Muskegon, and the other shall be filed in the office of the city recorder.

**Who deemed elected.** SEC. 17. The person receiving the greatest number of votes for any office in the city or ward as shown by said statements and certificates, shall be deemed to have been duly elected.

**In case of tie.** and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons, which shall be considered elected to such office.

**Recorder to notify person elected.** SEC. 18. It shall be the duty of the recorder within five days after the meeting and determination of the council, as provided above, to notify each person elected, in writing, of his election, and each of said officers so elected and notified shall, within ten days after such notice, take and subscribe the constitutional oath of office and deliver the same to the said recorder who shall file the same in his office.

**When may hold special election.** SEC. 19. If any election of officers provided for by this act shall not be held on the day herein provided for, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election at a time thereafter to be designated by the council, public notice thereof being given in the same manner as required by this act for special elections, and the incumbents of the several offices at the time when such election should have been held, shall continue to hold their respective offices until their successors are so elected and qualified.

### TITLE III.

#### OFFICERS.

**Officers.** SECTION 1. The officers of said city shall be one mayor, one recorder, one treasurer, one assessor and two justices of the peace, who shall be designated city officers and shall be elected by the qualified voters of the whole city, also two aldermen in each ward, who shall be designated ward officers, and shall be elected by the qualified voters of the respective wards. Said officers shall be elected as follows, namely: The mayor, treasurer and assessor, shall be elected annually and shall hold their office for one year and until their successors shall be elected and qualified. The recorder shall be elected biennially and shall hold his office for two years and until his successor shall be elected and qualified. At the spring election in the year nineteen hundred three, there shall be elected two justices of the peace, one of whom shall hold his office for two years, and until his successor

shall be elected and qualified, and one of whom shall hold his office for four years and until his successor shall be elected and qualified. At the spring election in the year nineteen hundred five, and every two years thereafter, and at no other time except to fill vacancy, there shall be elected one justice of the peace who shall hold his office for the term of four years and until his successor shall be elected and qualified. At the spring election in the year nineteen hundred three, there shall be elected two aldermen in each ward of said city, one of whom shall hold his office for the term of one year and until his successor shall be elected and qualified, and one of whom shall hold his office for the term of two years and until his successor shall be elected and qualified. At the spring election in the year nineteen hundred four, and each year thereafter, there shall be elected in each of the wards of said city one alderman who shall hold his office for the term of two years and until his successor shall be elected and qualified.

SEC. 2. The following officers shall be appointed by the council on the nomination of the mayor, as provided in section twenty-three of title seven of this act, viz.: One city attorney, three members of the board of review, one chief of police, who shall also be overseer of the poor and possess all of the powers of overseers of the poor in townships under the laws of this State, and one superintendent of the water department, who shall also be chief of the fire department and street commissioner. The same person may be appointed to the office of chief of police and superintendent of water department. The council may also, from time to time, provide by ordinance for the appointment of such other officers for such term as may be provided in the ordinance, whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act; the officers last aforesaid shall be appointed and may be suspended and removed as provided in section twenty-three of title seven of this act. The powers, duties, and compensation of all officers appointed under such ordinance not otherwise provided for in this act, shall be prescribed by such ordinance.

SEC. 3. The term of office of all officers nominated by the mayor and confirmed by the council, except officers appointed to fill vacancies, shall be for the period of one year, from the first day of May of the year in which such appointment is made, unless a different term of office shall be provided in this act or in the ordinance creating the office. Officers appointed to fill vacancies in any office shall hold said office for the balance of the unexpired term only.

SEC. 4. In all cases, not herein otherwise provided, officers shall respectively enter upon the duties of their office, on the fifteenth day of April next after their election, and upon taking the oath of office, and giving the security, if any, required for the performance of their duties.

Appointive  
officers.

Term of office.

When term to  
begin, etc.

## TITLE IV.

### QUALIFICATIONS, OATH AND BOND OF OFFICE.

**City attorney.** SECTION 1. No person shall be elected or appointed to any office, except that of city attorney, unless he be an elector of the city, and if elected or appointed for a ward he must be an elector thereof.

**Justices of the peace.** SEC. 2. Justices of the peace shall, within ten days after the date of their election, take and file an oath of office with the county clerk of Muskegon county in the same manner as in cases of justices of the peace elected in townships. All other officers, elected or appointed to any office in the city, shall, within five days after receiving notice of their election or appointment, take and subscribe the constitutional oath of office, and file the same with the recorder.

**Item.** SEC. 3. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk the security for the performance of his official duties, required by law, in case of justices of the peace, elected in townships, except that such security shall be first approved by the council. And in case such justice shall enter upon the execution of his office before having filed his official oath and the security aforesaid, he shall be liable to the same penalties as are provided in case of justices of the peace elected in townships.

**Officers to give bonds, etc.** SEC. 4. Every officer, elected or appointed to an office in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city recorder such bond as may be required by the council and with such sureties as shall be approved by the council, for the due performance of the duties of his office, and to duly account for such property and money as shall come into his hands by virtue of his office: Provided, That the bond of the city recorder shall be deposited with the city treasurer.

**Proviso.** SEC. 5. At the first meeting of the council after the expiration of the time in which any official bond or oath of office is required to be filed, the recorder shall report in writing to the council the names of persons elected or appointed to office who have neglected to file such oath and bond.

**Council may require new bonds.** SEC. 6. The council may at any time require any officer, whether elected or appointed, to execute and file as above provided, new or additional bonds in the same or in such further sums, with new and such further security as said council may deem proper for the interests of the city. A failure to comply with such requirements shall subject such officer to immediate removal by the council.

## TITLE V.

### RESIGNATIONS, REMOVALS AND VACANCIES.

SECTION 1. Resignations of elective officers and officers appointed by the council shall be made to the council, subject to its approval and acceptance. Resignations, to whom made.

SEC. 2. If any officer, except city attorney, shall cease to be a resident of the city, or if elected or appointed in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. When office deemed vacant.

SEC. 3. If any person elected to or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security. When council may declare office vacant.

SEC. 4. A vacancy in the office of justice of the peace shall be filled at the next annual city election after such vacancy occurs. A vacancy in the office of mayor, any alderman, or any other office except justice of the peace, shall be filled by election by the council within twenty days after the vacancy occurs. Vacancies, how filled.

SEC. 5. The resignation or removal of any officer shall not; nor shall the appointment or election of another to the office, release such officer or his sureties from any liability incurred by him or them. Resignation not to release bonds.

SEC. 6. Whenever any officer shall resign or be removed, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor, all the books, stub books, papers, moneys, and effects in his custody, in any manner appertaining to his office. Every officer, appointive or elective, violating the provisions of this section, shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally, for like offenses, under the general laws of the State. To deliver books to successor.

## TITLE VI.

### DUTIES AND COMPENSATION OF OFFICERS.—MAYOR.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council and shall, from time to time, give the council information concerning the affairs of the city, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, and see that the laws relating to the city and the ordinances and regulations of the council are enforced. To have general supervision.

SEC. 2. The mayor shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriff. Same powers as sheriff.

iffs to suppress disorder, and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of such city, and to suppress riot and disorderly conduct.

**May suspend officers.**

SEC. 3. He may suspend any officer nominated by him and confirmed by the council at any time for neglect of duty or improper conduct, and may suspend any policeman for like cause. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employee or officer of the city, and shall perform all such duties as are or may be prescribed by the ordinances of the city.

**Who to act as, in absence.**

SEC. 4. In the absence or disability of the mayor, the president pro tempore of the council shall be the acting mayor, and shall have the same powers and perform the same duties as are conferred upon the mayor: Provided, That said president pro tempore shall make no nomination to office during the temporary absence of the mayor from the city, unless such absence exceeds a period of twenty days.

**Proviso.**

**ALDERMEN.**

**Powers and duties.**

SEC. 5. The aldermen of said city shall be members of the council and attend the meetings thereof, and act upon committees, when thereunto appointed by the mayor or council. As conservators of the peace they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city, except mayor, during the term for which he was elected as alderman.

**REORDER.**

**Powers and duties.**

SEC. 6. The recorder shall keep the corporate seal and all the documents, official bonds, papers, files, and records of the city not by this act or the ordinances of the city entrusted to some other board or officer. He shall be clerk of the council and clerk of all committees thereof; he shall attend its meetings, record its proceedings, ordinances and resolutions in proper books provided therefor. He shall countersign and register all licenses granted and all bonds issued and shall, when required, make and certify under the seal of the city, copies of the papers, records and files kept in such office, and such copies, when so certified by him, shall be evidence in all cases of the matters therein contained to the same extent as the original would be. He shall possess and exercise the powers of the township clerk so far as the same are required to be performed within the city, and he shall have all the powers within the city conferred by law on notaries public. All claims against the corporation shall be filed with him for adjustment.

After examination thereof, he shall report the same with all accompanying vouchers, counterclaims of the city in his possession, to the council for allowance, and when allowed shall

draw and sign all warrants upon the city treasurer for the payment thereof, designating thereon from which fund payment is to be made, and shall take proper receipts therefor. When any taxes or money shall be levied, raised or appropriated, the recorder shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or appropriated and the amount thereof to be credited to such fund. He shall keep an account of all funds, taxes, assessments, receipts and expenditures, and shall report to the council and city treasurer at the first regular meeting of said council in each month, the condition of the several funds of the city, and shall, at the last regular meeting of the council in March in each year, make out and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto. He shall keep a complete set of books showing the financial condition of said city in its various departments and funds, its resources and liabilities, with proper classification of each fund or appropriation for any distinct object or expenditure or class of expenditure. He shall keep an account with the city treasurer, in which he shall charge said treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for licenses, rents and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city of whatever nature. Immediately upon entering upon the duties of his office, he shall make a complete inventory of all the property of said city and shall charge all other officers of the city with all funds, moneys, and property placed or being in their possession, and shall require a statement of such officers at least once in each year and as much oftener as may be deemed by the council for the best interests of the city and the safety of its property. He shall perform all such other duties relating to the finances of the city and pertaining to his office, as the council may require. In case of the death, absence from the city, disqualification or inability to act, of said recorder, the mayor shall, in writing, appoint a suitable and competent person as acting recorder, who shall perform all the duties of said office, and receive the same compensation during the absence, disqualification, or inability to act, of said recorder, until said vacancy is filled in the manner prescribed by this act.

## CITY TREASURER.

SEC. 7. The city treasurer shall be, by virtue of his office, <sup>Idem.</sup> the collector of all taxes and assessments, both general and special, levied and made within said city. He shall be receiver and custodian of all moneys paid to or belonging to said city for any purpose whatever. He shall keep an accurate account, under proper heads, of all moneys received, and all warrants paid by him. He shall exhibit to the council at its

last regular meeting in March of each year, and at such other times as the council shall require, a full and true account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury, which account shall be left to a committee for examination, and if found correct shall be filed.

SEC. 8. The treasurer shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the recorder and countersigned by the mayor or acting mayor, and shall pay no warrants on any funds after the same has been exhausted.

#### CHIEF OF POLICE.

Idem.

SEC. 9. The chief of police shall be subject to the direction of the council, as in this act provided; he shall likewise be subject to the directions of the mayor. It shall be his duty to see that all ordinances and regulations of the council made for the preservation of quiet, good order and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him in all proceedings for violations of the ordinances of the city, and such process may be served anywhere within the state. He shall also be vested with all the powers of constables in townships under the general laws of this State. He may collect and receive the same fees for services performed by him as are allowed to constables for like services, but in no case shall such fees be charged to or be paid by the city, and the same shall be paid into the city treasury. All moneys received or collected by him shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city recorder. In addition he shall perform such other and further duties pertaining to his office as the council may require. He shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation and pursue and arrest, in any part of this State, any person fleeing from justice. He shall arrest upon view and with or without process, any person found in the act of committing any offense against the laws of the State, or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, or public places, until they shall become sober. He shall also be overseer of the poor and perform all the duties and possess all the powers of overseer of the poor in townships under the laws of this State.

**CITY ATTORNEY.**

SEC. 10. The city attorney shall be the legal adviser of the ~~Item~~ council and of all officers and boards of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and shall prosecute for offenses against the ordinances of said city. He shall be a member of the board of review and shall have a vote upon all questions arising before said board.

**ASSESSOR.**

SEC. 11. The assessor of said city shall have the same ~~Item~~ powers and authority and shall perform the same duties as are granted to and imposed upon the supervisors of townships in this State, with reference to assessment of property and levying of taxes and not inconsistent with the provisions of this act. He shall have an office at the city hall. He shall be a member of the board of review and shall have a vote upon all questions arising before said board, and shall be a member of the board of supervisors for the county of Muskegon, and shall exercise the same privileges and perform the same duties as any other member of said board. He and the recorder and one of the aldermen of said city, to be designated by the council, shall constitute a board of assessors, and shall make all special assessments in said city, unless the council shall otherwise direct. The assessor and recorder of said city shall perform, within said city, such duties in the making of lists of persons to serve as petit jurors and grand jurors for each year as are now required by law of supervisors and clerks of townships, and supervisors and aldermen of wards of cities.

**JUSTICES OF THE PEACE.**

SEC. 12. The justices of the peace of said city shall have ~~Item~~ and exercise therein the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties as are or may be conferred upon or required of justices of the peace by the general laws of this State, except as herein otherwise provided. The justices of the peace of said city shall be the police justices. Each of said justices shall have jurisdiction to hear, try and determine prosecutions for the violation of the ordinances of said city, and for the recovery of any fines, penalties or forfeitures thereunder. Each of said justices shall pay into the city treasury on the first Monday of each month, all fines, penalties or forfeitures collected by him for offenses arising from violations of this act or for violations of the ordinances of said city, and make monthly report thereof to the council; and all other fees, penalties and forfeitures collected by said justices of the peace shall be disposed of in accordance with the laws of this State. Any justice of the peace may be suspended or removed from his office by the circuit court for the county of

Muskegon for neglect or refusal to pay over any fines, moneys, penalties or forfeits collected by him, or for any official misconduct, on charges specially preferred by the council, a copy of which charges shall be served upon said justice in such manner as the circuit court shall direct, and opportunity shall be given such justice to be heard in his defense.

#### SUPERINTENDENT OF WATER DEPARTMENT.

**Idem.**

SEC. 13. The superintendent of the water department shall also be street commissioner and also chief of the fire department. He shall have full charge of the running and operating of the water department of said city under such rules and regulations as shall be prescribed by the council, and shall have full charge and control of the fire department and fire apparatus under such rules and regulations and such ordinances as may from time to time be prescribed by the council, and shall perform such other duties as shall be required of him by the council. As street commissioner, he shall have all the powers and authority and perform the duties prescribed for highway commissioners under township laws of this State, excepting as herein otherwise provided. Except as otherwise ordered by the council, he shall have the personal supervision of the construction and repair of all grading, paving, improving, cleaning and care of streets, alleys and public grounds, the construction and repair of sidewalks, the cleaning and deepening of ditches, drains and gutters, and shall oversee and do whatever may be required of him, in relation thereto, by the council.

#### COMPENSATION OF OFFICERS.

**Mayor and aldermen.**

SEC. 14. The officers of said city shall be entitled to receive out of the city treasury the following sums which shall be full compensation for all services performed by them: The mayor and each of the aldermen shall be entitled to receive an annual salary of one dollar. The recorder shall receive such sum as the council may allow, not exceeding four hundred dollars per annum. The city treasurer shall receive such sum as the council may allow, not exceeding five hundred dollars per annum.

**Recorder.**

The city assessor shall receive such sum as the council may allow, not exceeding three hundred dollars per annum. The city attorney shall receive such sum as the council may allow, not exceeding two hundred dollars per annum:

**Treasurer.**

Provided, however, the council may, by a two-thirds vote of all the aldermen elect, employ such assistants for the city attorney as by said vote of the council may be deemed from time to time necessary. The chief of police shall receive such sum as the council may allow, not exceeding seven hundred dollars per annum.

**Assessor.**

The superintendent of the water department shall receive such sum as the council shall allow, not exceeding three hundred dollars per annum:

**Attorney.**

Provided, however, that if the same person shall be chief of police and superintendent of the water department, he shall receive such

**Proviso.**

**Chief of police.**

**Superintendent of water department.**

**Proviso.**

sum as the council shall allow, not exceeding seven hundred dollars per annum.

The salary of any officer of said city shall not be decreased during the term of office for which he was appointed or elected, nor shall the salary of any officer be increased during his term of office except by a two-thirds vote of all the aldermen elect, and then not to exceed the amounts in this charter named. In case, however, any salary shall be so increased, such increase shall apply pro rata to the unexpired portion only of the term of office affected.

In all cases where officers of the city receive a fixed salary as compensation for their services, all fees paid to them by virtue of their office shall be accounted for by them and paid into the city treasury to the credit of the contingent fund.

## TITLE VII.

### POWERS AND DUTIES OF THE COUNCIL.

**SECTION 1.** The mayor and aldermen of said city shall constitute the council. The mayor shall be president of the council, and preside at its meetings. He shall have the right to vote upon the confirmation of his own appointments, but shall have no other vote therein, except in case of a tie, when he shall have the casting vote.

**SEC. 2.** At the first regular meeting in May in each year the council shall appoint one of its number president pro tem., who, in the absence of the mayor, shall preside at the meetings thereof, and exercise the powers and duties of mayor. He shall have a vote upon all questions, but shall have no power to make nominations to fill any office, except as provided in section four of title six of this act. In the absence of the mayor and the president pro tem., the council shall appoint one of its number to preside; and for the time being he shall exercise the powers and perform the duties of the president pro tem.

**SEC. 3.** The recorder shall be clerk of the council, but shall have no vote therein. In the absence of the recorder the council shall appoint one of its number to perform the duties of the office for the time being.

**SEC. 4.** Each alderman shall be entitled to a vote in all the proceedings of the council, and shall be required to attend all its meetings and to serve on committees.

**SEC. 5.** The council shall be judge of the election, returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe. The mayor or any three members of the council may appoint special meetings thereof, notice of which in writing shall be given to each alderman, or be left at his place of residence at least two hours before the meeting.

**Sessions to be public.** SEC. 6. The sessions of the council shall be public, except when the public interest shall, in the opinion of the council,

**Quorum.** require secrecy. A majority of the aldermen elect shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by rule or ordinance. No vote, motion or resolution, except motions to adjourn or to refer to committees, shall pass, unless by a concurring vote of a majority of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated, salary or compensation fixed, except by ordinance or resolution of the council, nor shall any resolution authorizing the expenditure of money be passed or adopted except by a vote of a majority of all the aldermen elect.

**Appropriation of money by.**

**Effect of mayor's veto.**

**To keep record.**

**May compel attendance.**

**Certain officers to have seats.**

**To have control of finances.**

shall have any force or effect if, within forty-eight hours after its passage, the mayor or other officer legally discharging the duties of mayor shall lodge in the office of the recorder his reasons in writing why the same should not go into effect, and the same shall not go into effect, or have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a vote of at least five aldermen elect, and if so repassed shall go into effect according to the terms thereof. The power of the mayor to veto any vote, motion or resolution, passed by said council, as in this section provided, shall not only apply to the vetoing of the entire of any such ordinance, vote, motion or resolution, but shall in like manner apply to any separable or distinct part thereof.

SEC. 7. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes, except upon motions to adjourn and to refer any matter or petition to a committee, shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those voting in the negative.

SEC. 8. The council may compel the attendance of its members, and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance or rule be prescribed; and may by ordinance or rule prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or person present at any session of the council.

SEC. 9. The city attorney, chief of police, assessor, treasurer and superintendent of water department, shall have seats in the council, and may take part in all the proceedings relating to their respective departments, but without the right to vote.

SEC. 10. The council shall have control of the finances and of all the property, real and personal of the city corporation, except as may be otherwise provided by law.

SEC. 11. Whenever by this act or by any other provision of law, any power or authority is vested in or duty imposed upon the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duties.

SEC. 12. The council may provide by ordinance or resolution for the appointment of its standing committees, who shall perform such duties, investigate, have charge of and report upon such matters as may be referred to them. Such committees shall be appointed by the mayor.

SEC. 13. No member of the council or alderman shall receive any compensation for his services either as councilman, alderman or otherwise, except as herein provided.

SEC. 14. No member of the council, during the term for which he is elected, shall be appointed to or be competent to hold any office, the emoluments of which are paid out of the city treasury, or paid in compliance with any resolution or ordinance of the council; or be directly or indirectly interested in the sale to or purchase from the city of any property, or to be directly or indirectly interested in any contract as principal, surety or otherwise, the expense or consideration whereof is paid under any ordinance or resolution of the council; and no other officer of said city shall be interested, directly or indirectly, in the purchase or sale of such property or in such contract. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

SEC. 15. The council may remove any officer, elected or appointed, by a concurring vote of five of the aldermen elect. No removal of such officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto. The council shall make provision by rule or ordinance for preferring charges and trying the same.

SEC. 16. To enable the council to investigate charges against any officer, or such other matters as it may deem proper to investigate, the mayor or any justice of the peace of the city is empowered, at the request of the council or a committee thereof having the matter in charge, to issue subpoenas or process by attachment, to compel the attendance of persons, and the production of books and papers before the council or any committee thereof.

SEC. 17. Whenever the council or any committee thereof is authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths, and such council or committee shall have the same power to compel witnesses to testify as is conferred on justices of the peace.

**Defaulters not eligible to office.** SEC. 18. No person shall be elected or appointed to any office created by this act, who is now or may hereafter be a defaulter in any official position, and if any person holding any such office shall become a defaulter while in office, the said office shall thereby become vacant.

**To audit claims.** SEC. 19. The council shall audit and allow all claims and accounts chargeable against the city, but no account or claim on contract shall be allowed, unless it shall be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged for have been actually performed or delivered to the city, that the sums charged therefor are reasonable and just, that to the best of his knowledge and belief no set-off exists or payment has been made on account thereof, except such as are endorsed thereon or referred to in such account or claim. Every such account shall exhibit in detail all the items making up the amount claimed and the true date of each.

**When claims not allowed.** SEC. 20. No claim against said city for damages growing out of the negligence or default of said city, or of any officer or employe thereof, shall be audited or allowed, unless it shall be accompanied with an affidavit of the person sustaining such damages, stating the time and place at which, and the cause and manner of sustaining such damage, and the facts connected therewith, and the witnessess, if any, present when such damage or injury was received or sustained; and in all claims for damages in consequence of any personal injury, such affidavit shall also state the name of the attending physician, if any, the amount of money, if any, expended for medical attendance, the loss of time and the value thereof, and shall fully describe the nature and extent of the injury received, and the amount of compensation claimed by reason of such damage or injury.

**Claims to be presented within six months.** SEC. 21. All claims for damages against the city, growing out of the negligence or default of said city or of any officer or employe thereof, shall be presented to the council in the manner above provided within six months after such damage has been sustained or injury received, and in default thereof shall thereafter be forever barred.

**Claimant, what to show.** SEC. 22. In any action in any court on any claim whatsoever, the claimant shall be required to show that such claim has been duly presented in the manner hereinbefore provided to the council of said city for audit, investigation and allowance, and that said council has had reasonable time to investigate and pass upon it before the bringing of such action.

**Mayor may nominate certain officers.** SEC. 23. Between the twentieth day of April and the first day of May in the year nineteen hundred three, and annually thereafter, and whenever a vacancy shall occur, the mayor shall nominate a suitable person to fill each of the following offices: city attorney, three members of the board of review, chief of police, who shall also be overseer of the poor; and superintendent of water department, who shall also be chief of the fire department, and street commissioner; and

such other officers as may be necessary to carry into effect the powers herein granted and as the council may from time to time direct. The same person may be nominated to fill the office of chief of police and superintendent of the water department. The council, a quorum being present, shall thereupon proceed to act upon such nominations, and a vote shall then be taken on each of said nominations and the persons receiving the votes of a majority of the council elect shall be declared duly confirmed; those not receiving such votes shall be declared rejected. The mayor may renominate those rejected or may submit the names of other persons, whereupon the same proceedings shall be had as aforesaid, until such offices are filled. The mayor may suspend any of the officers named in this section for good cause on filing a statement of his reasons for so doing in the office of the recorder, provided that the council, at its next meeting, shall approve of such suspension in the manner in this act provided.

Council to  
vote on.

How mayor  
may suspend.

SEC. 24. In addition to the other powers and duties herein conferred upon it, the council shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it may deem advisable within said city for the following purposes:

May enact  
ordinances.

First. To restrain and prevent vice and immorality, gambling, noise and disturbances, indecent or disorderly conduct or assemblages, and to punish for the same, and to preserve peace and good order, prevent and quell riots, to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Relative to  
public peace.

Second. To apprehend and punish vagrants, drunkards, vagrants, truants, disorderly persons and common prostitutes:

Third. To restrain, prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gambling, or to play games of chance and to punish the keepers, inmates and frequenters thereof;

Disorderly  
houses, etc.

Fourth. To license, regulate and restrain billiard rooms, billiard rooms, etc. bowling alleys or tables, and ball alleys; to prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments, devices and material used for the purpose of gaming;

Fifth. To license and regulate saloons and other places saloons. where spirituous, intoxicating, malt, brewed, or fermented liquors are sold or kept for sale, and to prohibit the establishing and maintaining of any such saloon or place within one block of any church, public school building or public fair grounds;

Sixth. To license, regulate, restrain and prohibit all sports, exhibitions. exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhi-

bitions of whatever name and nature for which money or other reward is in any manner demanded or received;

**Auctions, etc.** Seventh. To license and regulate auctions, sales at auction and auctioneers, to license and regulate the sale of live or domestic animals at auction upon the streets or alleys, or upon any public grounds of the city, to regulate and license the sale of goods, wares, property or anything at auction, or any manner of public bidding, or offerings by buyers or sellers after the manner of auction sales; to regulate the fees to be paid by and to auctioneers; but no such license shall be required in case of sale required by law to be made at auction or public vendue; to license and regulate transient traders and dealers; to license and regulate hucksters, hawkers and peddlers, and to license and regulate the sale or peddling (directly or by canvassing, for subscription), of goods, wares, merchandise, refreshments or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device in the streets, highways or in and upon the wharves, places or spaces, stores, offices and business blocks and places, public grounds or buildings in said city: Provided, That the provisions of this subdivision shall not apply to farmers selling the produce raised on their own farms; to license and regulate junk dealers and dealers in second-hand goods and merchandise and other business; to license and regulate pawn-brokers (whoever loans money on deposit or pledges of personal property, or who purchases personal property or choses in action, on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawn-broker); to license and regulate employment agencies and offices, intelligence offices, labor bureaus, and all persons whose business it is to find employment for others for hire or reward, to require references and bonds to be given by every person, company, corporation or association engaging in such business, before the same shall be licensed, in order that the public and persons dealing with such offices and agencies may be protected; to license and regulate all bill posting, putting up of advertising signs or matter, and the distributing of such matter in the city, to license and regulate chimney sweeps, cleaners of chimneys and chimney flues, to regulate and fix their compensation, and the fees to be paid by them for licenses;

**Hucksters,  
etc.**

**Proviso.**

**Employment  
agencies.**

**Vending of  
food products.** Eighth. To regulate the vending of meats, poultry, vegetables, fruit, fish, flour, meal, salt, milk and all other food or food products, and all kinds of groceries and provisions, sold at wholesale or retail, in packages or otherwise, and to prescribe the time, manner and place for selling the same; to prohibit, prevent and suppress the sale of every kind of nauseous, unsound or unwholesome meat, poultry, vegetables, fruits, fish, flour, meal, salt, milk and all other food or food products, and all kinds of provisions sold at wholesale or retail; to punish all persons who shall sell the same or offer or keep the same

for sale: Provided, That nothing herein contained shall authorize the council to prohibit any farmer from selling without a license the produce of his own farm within said corporate limits;

Ninth. To regulate, abate and remove nuisances of every kind and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome structure, house or place, to cleanse, remove or abate the same from time to time as often as it may deem necessary for the health, comfort and convenience of said city;

Tenth. To direct the location of slaughter houses, markets and buildings for the storing of gunpowder and other combustible and explosive substances;

Eleventh. To regulate, restrain and prohibit the buying, carrying and selling gunpowder, fire crackers or fireworks manufactured and prepared therefrom, or other combustible materials, the exhibition of fireworks and the discharge of firearms, and lights in barns, stables and other buildings, and to restrain the making of bonfires in streets, yards and public grounds;

Twelfth. To prevent the encumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, wharves or slips in any manner whatever; to determine and designate the route and grades of any railroads to be built in said city and to regulate the use of locomotives, engines, and cars upon the railroads within said city; to prescribe and fix the rate of speed at which locomotives, engines, and cars may be run upon the railroads within the limits of said city;

Thirteenth. To prohibit or regulate bathing in any public waters or in any open or conspicuous place, and any indecent exposure of the person in the city;

Fourteenth. To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such license and to authorize the killing of dogs not so licensed, and to regulate and prevent the running at large of dogs;

Fifteenth. To prevent any person from bringing or depositing within the limits of said city any dead carcass or other unwholesome or offensive substance, and to require the removal and destruction thereof, if any person shall have on his premises such substance, or any putrid meats, hides and skins of any kind, and on his default to authorize the removal and destruction thereof as a public nuisance, or by some officers of the city;

Sixteenth. To compel all persons to build sidewalks in front of premises owned or occupied by them, and to require such persons to keep the same in repair and clear from snow, ice, dirt, wood or obstructions;

Seventeenth. To prevent and punish horse racing and moderate driving in any street, and to authorize the stopping

and detaining of any person who shall be guilty of immoderate driving or riding in any street; to require any horse or mule attached to any vehicle, or standing in any of the streets, lanes or alleys of said city to be securely fastened, watched or held;

**Public houses.** Eighteenth. To regulate and license taverns and houses of public entertainments, and all saloons, restaurants and eating houses;

**Vehicles.** Nineteenth. To license and regulate all vehicles of every kind used in the transportation of any person or property for hire in the city;

**Numbering of buildings.** Twentieth. To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants of buildings to affix numbers on the same;

**Lighting.** Twenty-first. To make regulations for the lighting of the streets and alleys and the protection and safety of public and street lamps and lights;

**Telephones, etc.** Twenty-second. To regulate the placing and using of all telegraph, telephone, electric light poles and wires; to regulate and license telephone companies, telegraph companies, electric light companies, gas companies and to prescribe certain rules for the regulation thereof; the council shall have power in granting any franchise whatever to any individual, individuals, corporation, association or company, to reserve the right to impose and collect reasonable annual license fees;

**Salubrity of waters.** Twenty-third. To preserve the salubrity of the waters of Mona lake and other waters within the city; to prohibit the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to fill up all low grounds, lots covered or partially covered with water, or to drain the same as may be deemed expedient; and to regulate the cutting of ice in Mona lake; and to prohibit and prevent by sufficient penalty, the cutting and vending of impure ice from said waters or elsewhere within said city;

**Parks.** Twenty-fourth. To provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said city, belonging to or under the control of said city, and to control and regulate the same consistently with the purposes and objects thereof.

**Census.** Twenty-fifth. To provide for taking the census of the inhabitants of said city as it may see fit, and to direct and regulate the taking of the same;

**Grades of streets.** Twenty-sixth. To establish a grade for streets and sidewalks, and to cause the same to be constructed in accordance therewith;

**Duties of officers.** Twenty-seventh. To prescribe the duties of all officers appointed by the council, not otherwise herein provided for, and their compensation, and the penalty for failing to perform such duties;

**Bonds, etc.** Twenty-eighth. To prescribe all bonds and sureties to be given by the officers of the city for the discharge of their

duties, and the time for executing the same, in cases not otherwise provided for by law;

Twenty-ninth. To authorize and regulate the demand and fees receipt by officials of such fees and costs and in such cases as the council may deem reasonable;

Thirtieth. To fix and regulate the fees of jurors and witnesses in any proceeding under this act or under any ordinance of the council;

Thirty-first. To sell or otherwise provide for disposing of <sup>Cleaning of</sup> streets all dirt, filth, manure and debris, lying in or gathered from the highways, streets, avenues, lanes, alleys or public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same;

Thirty-second. To control, prescribe and regulate the mode <sup>Awnings.</sup> of constructing and suspending awnings, and the exhibition and suspension of signs;

Thirty-third. To control, prescribe and regulate the manner <sup>Use of streets.</sup> in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation of and prevention of wilful injury thereto;

Thirty-fourth. To direct and regulate the planting and provide for the preservation of trees in said city; <sup>Trees.</sup>

Thirty-fifth. To prohibit all practices, amusements and <sup>Certain</sup> practices doings in said streets, having a tendency to frighten teams or horses, or dangerous to life or property; to remove or cause to be removed all walls and structures that may be liable to fall so as to injure life or property;

Thirty-sixth. To prohibit and punish the use of toy pistols, <sup>Toy guns.</sup> air guns, sling shots and other dangerous toys, implements or weapons within said city;

Thirty-seventh. To provide for the protection and care of <sup>Paupers.</sup> paupers and prohibit and prevent all persons from bringing to the city from any other place any pauper or paupers, or any person likely to be a charge upon said city and to punish therefor; and to authorize the removal from the city of all paupers not a legal charge upon said city;

Thirty-eighth. To establish and build a jail, workhouse and houses of correction, for the confinement of offenders, and to erect the necessary buildings therefor, and control and regulate the same; appoint all necessary officers for taking charge of the same and of the persons confined therein; to prescribe their powers and duties and provide for their removal from office and the filling of vacancies; to provide for the imprisonment and confinement in said jails, workhouses and houses of correction, or in the common jail of the county of Muskegon, or in any appropriate State institution of all persons liable to be imprisoned under this act or any ordinance of said council, whenever convicted of a violation thereof; to compel any person confined in any such jail, workhouse or house of correction, or in the common jail of the county of Muskegon to

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work upon the streets and alleys of said city, or in and upon the buildings and premises belonging to said city during the time the detention of such person is authorized;

Burying of dead.

Thirty-ninth. To regulate the burying of the dead, and to compel the keeping and return of bills of mortality; also returns of births and marriages;

Surveys.

Fortieth. To survey and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city; to prohibit all incumbrances and encroachments upon the same by buildings, fences and of partition and parapet walls and walls of buildings, fences, or in any other manner, and to provide for the removal of the same;

Partition fences, walls, etc.

Forty-first. To regulate the construction of partition fences and of partition and parapet walls and walls of buildings, and thickness of walls; to regulate the construction of chimneys, hearths, fire places, fire arches, ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in promoting or causing fires; to compel and regulate the cleaning of chimneys and chimney flues, and to fix the fees therefor; to compel and regulate the construction of ash houses and deposits of ashes; to compel the owners of houses and other buildings to have scuttles on their roofs; and stairs and ladders leading to the same; and to cause such buildings as are in a dangerous state to be put in a safe condition; and to authorize any of the officers of the city to keep all idle and suspicious persons away from the vicinity of fires, and to compel officers of the city and other persons to aid in the extinguishment of fires, and the preservation of property exposed to danger therefrom;

Live stock.

Forty-second. To prohibit and prevent the running at large of horses, cattle, swine, dogs, geese and other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same;

Obscene exhibitions.

Forty-third. To prevent and prohibit in the streets or elsewhere in said city the show, sale, crying or exhibition of indecent or obscene pictures, drawings, engravings, paintings and indecent, immoral and scandalous books, pamphlets, newspapers and literature; and further, the council shall have authority to enact all ordinances and make all such regulations consistent with the law and constitution of the State as they may deem necessary for the safety, good order, good morals, and good government of the city, and the general welfare of the inhabitants thereof, but no exclusive rights, privileges or permits shall be granted by the council to any person or to any corporation for any purpose whatever;

May regulate offensive trades.

SEC. 25. The council, when it shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercise of any trade, business or employment, offensive to the inhabitants or prejudicial to good morals or the well being of society, or dangerous to the public health;

and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignment at pleasure, and whenever a business carried on in any place so assigned, or any other place in the city, shall become hurtful and dangerous to the health or prejudicial to the peace and good order, or otherwise objectionable to the inhabitants of the city in the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

SEC. 26. The council may prescribe the terms and conditions upon which licenses may be granted and may exact payment of such sum for any license as they may deem proper; the person receiving the license shall, before the issuing thereof, execute such bond to the corporation in such sum as the council shall prescribe with one or more sufficient sureties, conditioned for the faithful observance of the charter of the corporation, the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or otherwise ordered by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

SEC. 27. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license shall exercise any occupation, trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 28. All moneys received for or on account of any license granted to any person shall be paid into the city treasury to the credit of the contingent fund.

SEC. 29. The city of Muskegon Heights shall have power to take, accept and hold any real estate or personal estate, whether by gift, bequest or devise, for any purpose connected with the parks, cemeteries, or public grounds of said city, or for any public institution or charity, and when accepted, it shall be the duty of the council of said city to use and appropriate the same for the purposes and uses mentioned in the instrument, giving, granting or devising the same, and for no other purpose.

SEC. 30. The council shall enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of said city, and to prevent the introduction of or spread of malignant, infectious or contagious diseases and for the removal or seclusion of persons having such diseases, or who may be suspected to be liable to communicate the same either beyond the city limits or to such hospital or place of treatment within the city as the board of health may prescribe.

**When may change wards.** SEC. 31. Whenever the council shall deem it expedient, it may by ordinance, enacted by a concurring vote, of not less than two-thirds of the aldermen elect, redistrict said city into wards, and change the boundaries of any ward; but in no case increase or decrease or change the number of wards in said city: Provided, That no such change or redistricting shall be made within ninety days next preceding any election which may be held under the provisions of this act.

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**Laying of pipes, etc.** SEC. 32. The council may regulate the making of all openings in and removals of the soil of public streets, alleys, and public grounds, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes or other pipes, or for any other purposes, and may prohibit or prevent all such openings or removals of the soil, except by the express permission of the council, and at such times and upon such terms, conditions and regulations as it may prescribe.

**Use of streets.** SEC. 33. The council may regulate the use of the public streets, avenues, alleys and public grounds of said city, subject to the right of travel and passage thereon; and generally may prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure the good order and safety of persons and property in the lawful use thereof, and to promote the general welfare. And in addition to all the powers herein granted, the council shall have the same authority and powers over and in respect to the public streets, alleys, parks and places as are conferred by law upon highway commissioners in townships.

**Poor holding property.** SEC. 34. The council may require any person or persons applying to the city, or the director of the poor, for aid, who shall own any property, either personal or real, to give security upon such property for the repayment of any moneys or property which may be paid or turned over to him or them. Said city of Muskegon Heights is hereby authorized and empowered to receive and hold, as security or otherwise, any property, either personal or real, which may be pledged or conveyed to it in accordance with the provisions of this section.

## TITLE VIII.

### ORDINANCES AND THEIR ENFORCEMENT.

**Style of.** SECTION 1. The style of all ordinances shall be, "The council of the city of Muskegon Heights ordain," etc. All ordinances shall require for their passage the concurrence of a majority of all the aldermen elect; the time when any ordinance shall take effect shall be prescribed therein; such time, when by the terms of the ordinance a penalty is imposed, shall be not less than twenty days after its adoption; all process for the enforcement of any ordinance of said city shall be "In the name of the people of the State of Michigan."

**When to be printed.** SEC. 2. Every ordinance shall be written or printed in a plain or legible manner, before the same shall be passed by the

council, but no ordinance shall be adopted by the council at the same meeting at which it is proposed, except by unanimous consent of all the aldermen then in office, and after any ordinance is adopted by the council it shall be approved and signed by the mayor, and in his absence from the city then by the president pro tem. Such ordinance shall become operative without the approval of the mayor, unless he shall, within ten days after its passage, lodge in the office of the recorder his reasons in writing why the same should not go into effect; in which case, it shall not become operative until it shall be again submitted to the council and receive the affirmative vote of five of the aldermen elect.

When operative.

SEC. 3. All ordinances, when approved by the mayor, or when and where filed.

Within ten days after the passage of any ordinance, copies of the same shall be posted in three public places within each ward in the city. Proof of the requisite publication of any ordinance, resolution or other proceeding of the council may be made by the affidavit of the person who has posted the same and such affidavit, when duly filed by the recorder, shall in all cases, courts and proceedings, be prima facie evidence of the legal posting of such ordinance, resolution or other proceeding. All copies of the ordinances of the village purporting to have been printed and published by its authority, shall in all courts and proceedings be received as prima facie evidence thereof, and of their legal enactment and publication.

Copies to be posted.

SEC. 5. In all courts having authority to hear, try and determine any matter or cause arising under the ordinances of said city, and in all proceedings relating thereto, judicial notice shall be taken of the enactment, existence, provisions and continuing force of such ordinances.

Judicial notice of.

SEC. 6. When by the provisions of this act, the council has authority to pass ordinances for any purposes, it may prescribe fines, penalties and forfeitures not exceeding one hundred dollars, or imprisonment not exceeding three months, or both, in the discretion of the court, together with the costs of prosecution for each violation of any such ordinance, and may provide that the offender on failing to pay any such fine, penalty or forfeiture, and the costs of prosecution may be imprisoned in the county jail of Muskegon county, in the jail, workhouse or house of correction of said city, or the Detroit house of correction for a term not exceeding ninety days.

May prescribe fine, etc., for violation.

SEC. 7. The costs of prosecution that may be imposed, under the provisions of the preceding section, shall be the same as those fixed by law in justice courts, in criminal cases.

Costs, how imposed.

**Penalty, how recovered.**

SEC. 8. Whenever a pecuniary penalty or forfeiture shall be incurred for violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt or assumpsit. Whenever a corporation shall incur a penalty or forfeiture for a violation of any ordinance the same may be sued for in one of the actions aforesaid.

**Actions, how brought.**

SEC. 9. Any action for the recovery of a penalty or forfeiture for the violation of any ordinance shall be brought in the name of the city of Muskegon Heights, and may be commenced by summons. The form, time of return, and service thereof, the pleadings and all proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as near as may be, as in like actions for the recovery of penalties for violations of the laws of the State. Upon rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require that, if sufficient goods and chattels cannot be found to satisfy the same, the defendant may be committed to the county jail of Muskegon county, the jail, workhouse or house of correction of said city, for a period not exceeding ninety days, unless execution be sooner paid, or he be discharged by the due course of law.

**Prosecutions, how commenced.**

SEC. 10. Prosecution for violation of the ordinances of said city may also in all cases, except against corporations, be commenced by warrant for the arrest of the offender; such warrant shall be in the name of the people of the State of Michigan, and shall set forth the offense complained of, and be substantially of the form and be issued upon complaint made as provided by law in criminal cases cognizable by justices of the peace; and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause and in procuring the attendance and testimony of witnesses, and the rendition of judgment and execution thereof, and the enforcement of the same shall, except as otherwise provided by this act, be governed by and conform, as nearly as may be to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

**When court to render judgment.**

SEC. 11. If the accused shall be convicted, the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

**City allowed use of county jail.**

SEC. 12. The city of Muskegon Heights shall be allowed the use of the county jail of Muskegon county for the confinement of persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act, and the sheriff or other keeper of such jail shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

**SEC. 13.** It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process or pleading therein, but the same shall be sufficiently set forth or stated by reciting its title and the date of its passage or approval, and it shall be a sufficient statement of the offense or cause of action in any such complaint or warrant, to set forth substantially with reasonable certainty, the time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of said city, referring thereto by its title and the date of its passage or approval.

**SEC. 14.** In all prosecutions, and in all suits to which the city shall be a party, brought to recover any penalty or forfeiture for violation or breach of any ordinance, and in any suit commenced by summons, warrant or other process, to which the city shall be a party, brought in justice court, the like proceedings shall be had thereon, except as herein otherwise provided, and the judgment rendered therein may be appealed from in like manner as in similar cases tried before justices of the peace, except that the city of Muskegon Heights shall not be required to give any bond.

**SEC. 15.** All moneys collected from fines, penalties or forfeitures or judgments, shall be paid into the city treasury to be disposed of as the council shall direct. Justices of the peace receiving any such fines and neglecting or refusing to pay over the same within thirty days thereafter, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

**SEC. 16.** All process issued by any justice of the peace to enforce any of the ordinances of the said city shall be directed to the chief of police of the city of Muskegon Heights or any constable of the county of Muskegon and such process may be executed by any of said officers anywhere within the State, and shall be returnable the same as other similar processes issued by justices of the peace.

## TITLE IX.

### FINANCE AND TAXATION.

**SECTION 1.** The fiscal year of the city of Muskegon Heights shall commence on the first day of July in each year.

**SEC. 2.** The council shall have authority within the limitations herein prescribed to raise annually by taxation within the corporation such sums of money as may be deemed necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted.

**SEC. 3.** The revenues raised by general tax upon all the property in the city, or by loan to be paid by such tax, shall be divided into the following general funds:

**Contingent.** First, Contingent fund, to defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made;

**Fire department.** Second, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

**General highway.** Third, General highway fund, to defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and crosswalks and for the care thereof;

**General sewer.** Fourth, General sewer fund, to defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses;

**Bridge.** Fifth, Bridge fund, for the construction and maintenance of bridges;

**Water.** Sixth, Water fund, for the construction, extension and maintenance of the waterworks and for the maintenance of the water department and providing supplies of water;

**Public building.** Seventh, Public building fund, for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such buildings, city hall, offices, prisons, watch houses and hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for;

**Police.** Eighth, Police fund, for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

**Interest and sinking.** Ninth, Interest and sinking fund, for the payment of the public debt of the city and the interest thereon;

**Other funds.** Tenth, Such other general funds as the council may from time to time constitute.

**Special funds.** SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

**Street district.** First, A street district fund, for each street district, for defraying the expenses of grading, improving, repairing and working upon the streets therein and for the payment of all street expenses, and for the building and repair of sidewalks and crosswalks which the council shall charge upon the street district, except as in this act otherwise provided;

**District sewer.** Second, A district sewer fund, for each main sewer district, for the payment of the cost and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts;

**Special assessment.** Third, Special assessment funds, any money raised by special assessment levied in any special assessment district or special sewer district, to defray the expenses of any work, paving improvement, or repair or drainage therein.

**SEC. 5.** The aggregate amount which the council may raise by general taxation upon the taxable real and personal property in the city of Muskegon Heights for the purpose of defraying the general expenses and liabilities of the corporation (except for the payment of the public debt of the city and the interest thereon), and for all purposes for which the several general funds mentioned in section three of this title (exclusive of the taxes for the interest and sinking fund and for school, library and schoolhouse purposes) shall not, except as herein otherwise provided, exceed in any year one per cent of the assessed value of all the real and personal property in the city made taxable by law as shown by the assessment roll of the current year.

**SEC. 6.** In addition to the above amounts, the council may raise by special assessment in sewer districts and special assessment districts for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers, drains, and making other local improvements chargeable upon the lands and property in the district, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as it shall deem necessary but not exceeding in any one year twenty per cent on the assessed value of the property in the sewer district or special assessment district, as the case may be as shown by the assessment roll of the preceding year.

**SEC. 7.** It shall be the duty of the council to cause estimates to be made in the month of June of each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements and for the support of the police and fire departments, and for defraying the current expenses of the year, and the amounts that will be required to be expended from street district funds during said next fiscal year in working upon, improving and repairing the streets in the several street districts of the city, and for every other purpose for which money will be required to be paid from any of the several general funds during such fiscal year.

**SEC. 8.** The council shall also, in the same month, determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year, also the amount or part of any special assessments which it may require to be levied or reassessed in the next general assessment roll of the city upon lands in any main sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

**SEC. 9.** The council shall also, in said month of June, pass an annual resolution to be termed the annual appropriation bill, in which it shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities

Amount may  
raise by  
general tax.

By special  
assessment.

Council to  
cause esti-  
mates to be  
made.

Council to  
determine  
amount.

Annual  
appropriation  
bill.

of the corporation for the next fiscal year, payable from the several general funds and from the street district funds as estimated and determined upon as provided in section eight of this title, and order the same or so much of said amounts as may be necessary, to be raised by a tax in the next general tax levy, or by loan or by both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five and six of this title to raise by general tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated, for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which it may require to be levied or reassessed with the next general tax as mentioned in section nine of this title, and the disposition to be made of such moneys, and shall also designate in said bill any local improvement which it may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

**What to be designated in.**  
No further sums to be raised.

SEC. 10. After the passage of the annual appropriation bill no further sum shall be raised or appropriated, nor shall any further liability be incurred for any purpose, to be paid from any general or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors of the city, or such district, as the case may be, voting upon the proposition at the next annual city election, or at any special election called for that purpose; but this section shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding one thousand dollars, the necessity for which is caused by an epidemic, casualty, or accident, after making the annual appropriation for the year, and for borrowing the money therefor.

**Exceptions.**

Contracts to go to lowest bidder.

SEC. 11. No contract for the construction of any public building, sewer, paving, graveling, planking, or for the construction of any public work whatever, or for any work to be done, or for purchasing or furnishing any material, printing or supplies for said corporation, if the expenses of such construction or repairs, work, printing, material or supplies shall exceed five hundred dollars, shall be let or entered into, except to and with the lowest responsible bidder, with adequate security: Provided, That in case of repairing paved streets, building and repairing cross-walks, culverts, intersections and sidewalks, the council may cause the same to be done when so deemed advisable, and ordered by a vote of two-thirds of all

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the aldermen elect: And provided further, That the council <sup>Further proviso.</sup> may cause sewers to be constructed, and water mains and pipes to be constructed and laid, and may employ labor and purchase materials therefor, when so deemed advisable and ordered by a vote of two-thirds of all the aldermen elect. No contract shall be awarded under the provisions of this section to any person who is in default to the corporation upon any contract, bond, obligation or otherwise, or who is a defaulter to the corporation, who shall be disqualified in other respects under the provisions of this act.

SEC. 12. The council shall also have authority to raise <sup>When council may borrow.</sup> money by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied and interest may be added thereto as a part of the cost of the improvement. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

SEC. 13. In addition to all other loans authorized by this act, the council shall have authority to issue bonds of the city of Muskegon Heights to the amount of two thousand dollars for the purpose of paying the current expenses of said corporation prior to the receipts from the first year's general taxes. Such bonds shall be of such denominations as the council shall direct and shall be issued for a period not to exceed ten years and shall bear interest at a rate not to exceed five per centum per annum. Such bonds shall be payable from the interest and sinking fund of said city.

SEC. 14. Should any greater amount be required in any year for any public improvement or purpose, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this title, such amounts may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of all the electors voting upon the question at an annual city election, or at a special election called for that purpose: Provided, That the amount voted or raised in any year, under the provisions of this section, shall not exceed five per cent of the assessed valuation, of the property of the city, as shown by the assessment roll for the preceding year.

SEC. 15. The proposition to raise such additional amount shall be submitted to a vote of the electors by a resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such resolution (after having been adopted by the council) shall be published in one of the newspapers of the city of Muskegon circulating in the city of Muskegon Heights, and copies thereof posted in five public places in each ward of the city, at least two weeks before the election, at which the vote is to be taken. Such vote shall be by ballot.

SEC. 16. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund shall be paid in and credited to such fund, and shall be applied to the pur-

**Transfer of surplus.**

poses for which such moneys were raised and received and to none other, nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such case the surplus shall be transferred to the interest and sinking fund should there be a deficiency in that fund, otherwise the council may apply such surplus as it shall deem proper. But whenever there shall, from any cause be a deficiency in the police fund, fire department fund, highway fund, sewer fund, bridge fund, or water fund, the council may transfer from the contingent fund to supply the deficiency thus existing. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

**Moneys, how drawn.**

SEC. 17. No moneys shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council and upon warrants signed by the recorder and countersigned by the mayor, or in case of a vacancy in the office of mayor, or in the absence of the mayor from the city, by the president pro tem. Such warrant shall specify the funds from which it is payable and shall be paid from no other fund.

**When warrants not to be drawn.**

SEC. 18. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted, nor when the liabilities outstanding and previously incurred and payable from such fund are sufficient to exhaust it.

**Relative to issue of bonds.**

SEC. 19. For any loans lawfully made, the bonds or other obligations of the city may be issued bearing a legal rate of interest. When deemed necessary by the council to extend the time of payment, new bonds or obligations may be issued in place of former bonds or obligations falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond or obligation shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

**When council to audit accounts of officers.**

SEC. 20. During the month of March in each year, the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall cause to be made a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund, the amount levied by special assessments and the amounts collected on each, and the amount of money borrowed, and upon what times and terms and for what purposes; also the items and amounts received from all other sources during the year. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

**Statement of expenses, etc.**

## TITLE X.

## ASSESSMENT AND COLLECTION OF TAXES.

**SECTION 1.** The assessor of the city of Muskegon Heights Who to make shall, in each year make and complete an assessment of all assessments. the real and personal property within said city liable to taxation, under the laws of this State, and of all the property of any person liable to be assessed therein, in the same manner as required by law for the assessment of property in the townships of this State, and in so doing he shall conform to the provisions of law, governing the actions of supervisors of townships performing like services unless otherwise in this act provided, which said assessment roll shall be completed on or before the first day of June in each year. The assessor shall To index roll. make an index of said assessment roll, showing in alphabetical order the names of all persons against whom an assessment is made therein, and the several and respective pages in said roll upon which said assessment appears. He shall deliver said index to the board of review at the time appointed for the meeting thereof, and the same shall be kept by said board for the use of taxpayers during its session. Said index shall be delivered to the treasurer when the tax roll shall be delivered to him, and the same shall thereafter be kept in his office for the use of taxpayers. The city recorder shall be clerk of said board of review and shall correct said index in such manner as to embrace therein all corrections or alterations made by the said board. In the matter of the assessment of property, the levying of taxes and the collection thereof, the city of Muskegon Heights, except as in this act otherwise provided, shall be considered and treated as a township, under the provisions of the general laws of this State.

**SEC. 2.** The assessor of said city, the city attorney, and three tax paying electors of said city, to be appointed by the Who to constitute board of review. council on the nomination of the mayor, shall constitute a board of review of assessments. The three tax paying electors aforesaid shall severally take the constitutional oath of office. Said board of review shall organize by electing one of their number chairman. The city recorder shall be one of said board but shall have no vote. The assessor, city attorney and recorder shall serve without compensation; the three members appointed as aforesaid shall each receive as compensation two dollars per day and no more. Said board shall meet on When to meet. the first Monday of June in each year, at the council room, and remain in session at least six hours each day for at least three days and not to exceed five consecutive days.

**SEC. 3.** The recorder shall give ten days' previous notice Record to give notice of. of the meeting of said board by publishing the same in a newspaper of the city of Muskegon circulating in said city of Muskegon Heights, and by causing said notices to be posted in three public places in each ward. Said notice shall specify the days during which said board will hear complaints touching

**When board may add property to roll.** the matter of assessments. During the first two days of its session, said board of its own motion, or on sufficient cause being shown, shall add to said roll, the names of persons, the value of personal property, and the description and value of real property liable to assessment in said city, omitted from said assessment roll, or strike therefrom property improperly assessed thereon; it shall correct all errors in the names of persons, in the description of property on said roll, and in the assessment and valuation of property thereon, at the request of any person, or his agent, whose property is assessed thereon, and on sufficient cause being shown, it shall correct the assessment as to such property in such manner as in its judgment will make the valuation thereof relatively just and equal. After the expiration of the first two days of its session, said board shall not add to said roll the name of any person nor the description of any property, nor shall it increase any assessment thereon. During the first three days of its session, said board shall hear any complaint concerning said roll or any assessment thereon. It may require any or all complaints to be submitted in writing, as in its judgment it may deem best. Said board may, upon satisfactory cause shown, strike from said roll any property not legally thereon, and may at the request of any person whose property is assessed thereon, and on sufficient cause being shown, reduce the same, and shall cause to be done whatever else may be necessary to make said roll comply with the provisions of this act and the general tax law of the State. Said board shall determine from the evidence before it what changes, alterations and corrections are necessary and proper to be made in order to secure a just and true appraisement and valuation of the real and personal property in said city, and it shall incorporate such changes, alterations and corrections in said roll. Said board may make a new roll, whenever it may deem the same necessary, embracing such alterations and corrections as may have been adopted by said board. The determination and decision of said board as to all matters submitted to it, under the provisions of this act and of the general tax law of this State shall be final and conclusive, and shall not be subject to review by any court. Said board shall also have the same powers and perform like duties as are granted to and imposed upon boards of review in townships under the general law of this State, not inconsistent with the provisions of this act.

**To hear complaints.**

**When may alter rolls.**

**Decisions to be final.**

**When board to adopt roll.**

SEC. 4. When the board shall have reviewed and corrected the assessment roll of said city, they or a majority thereof, shall on or before the fourth Monday of June, adopt the same and endorse thereon and sign a statement to the effect that the same is the assessment roll of said city for the year in which it has been prepared and approved, and said roll shall be and remain the assessment roll of said city for the purposes mentioned in this act.

**SEC. 5.** On or before the first day of September in each year, the recorder shall certify to the assessor the aggregate of all sums which the council require to be raised by general taxation for the year for all city purposes, and also all amounts reported to the council and authorized to be raised for schools, library and school purposes, and all the amounts which the council require to be assessed or reassessed in any street district, main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person as a special assessment, or otherwise within said city, or for any unpaid special assessment, or for any lien or charge created against any person or upon any parcel of land, under any ordinance, order or resolution of the council, under the provisions of this act, together with a designation of the district, a description of the land, the person upon or against whom the several sums are to be assessed or reassessed, with such further descriptions and directions as will enable the city assessor to assess the several amounts upon the property and the person chargeable therewith.

**SEC. 6.** It shall be the duty of the city assessor, upon receipt of the certificate aforesaid, to levy in the assessment roll delivered to him as aforesaid, upon all the taxable property of said city the amounts certified to him by the recorder of said city to be raised for city, school and library purposes, placing the city taxes in one column, the school, library, one-mill and schoolhouse taxes in another column, and the interest and sinking fund tax in another column, and shall also levy in the same roll upon the lands, property and persons chargeable therewith, all special assessments and sums reported to him by the recorder, as provided in this act for assessment or reassessment, and any street district or other assessments, placing all such taxes in a column of special assessments. He shall also levy and spread upon said roll upon all the taxable property in said city, the amount certified to him as necessary to be raised in said city for State, county and other taxes. The levying of such taxes shall be in accordance with the provisions of law governing the levying of taxes in townships, except as in this act otherwise provided. The several general funds mentioned in section three of title nine, shall be assessed in the aggregate under the head of "City taxes," and in a separate column so headed (except as to the interest and sinking fund, which shall be in a column by itself as above provided), the several special funds mentioned in section four of title nine shall be assessed in the aggregate under the head of "Special city taxes," and in a separate column so headed all special assessments shall be assessed separately and in a column headed "Special assessments." In all other respects except as in this act otherwise provided, the assessment and tax rolls shall be made in accordance with the provisions of the general law of the State. All special assessments shall be levied separately and the aggregate of taxes shall be carried

How assessor  
to place as-  
sessments on  
roll.

Levying, how  
governed.

**To certify amounts to recorder.** into the last column of the roll. The assessor upon the completing of said roll shall certify to the city recorder the amounts of taxes levied in his roll for State and county purposes, and for city and school taxes, special assessments and other purposes, and the recorder shall charge the amount thereof to the city treasurer. The city treasurer shall give a bond to the county treasurer in the same manner as township treasurers are required to do, and thereupon, on or before the first Monday in December, the assessor shall deliver a certified copy of the assessment roll, with the taxes entered therein as aforesaid, to the city treasurer, with his warrant for the collection of the taxes therein annexed thereto.

**Treasurer to give bonds.**

**Warrant, what to set forth.**

SEC. 7. The warrant annexed to such roll shall command the city treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereon opposite their respective names, and to retain in his hands the amount receivable by law into the city treasury, for the purposes therein specified and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of March next following; and the said warrant shall authorize and command the treasurer, in case any person named in said tax roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person. The roll with the warrant annexed thereto shall be known as the "Tax roll."

**Treasurer to give notice of receipt of tax roll.**

**Office hours.**

**May appoint deputy.**

SEC. 8. Upon receiving the tax roll as above provided, the city treasurer shall give immediate notice to the taxpayers of the city, by posting copies thereof in three public places in each ward that such roll has been delivered to him, and that the taxes therein levied may be paid to him at his office, before the tenth day of January of the succeeding year, and that on all sums voluntarily paid before that time, he will add one per cent collection fees, and upon all taxes paid on and after said tenth day of January and on or before the tenth day of February next following, he will add two per cent collection fees; and upon all taxes paid after said tenth day of February, he shall add three per cent for collection fees. It shall be the duty of the city treasurer to be at his office from nine o'clock in the forenoon to five o'clock in the afternoon upon Tuesday and Friday of each week during the months of December, January and February, and shall receive payment of such taxes as may be offered to him.

SEC. 9. The city treasurer, with the consent of the council, may appoint a deputy, who shall possess all the powers and may perform all the duties of the treasurer. Such city treasurer and his bondsmen shall be liable for all the acts and defaults of such deputy. Such deputy shall be paid by the treasurer. The treasurer shall have such powers and perform such duties not herein particularly enumerated, as are conferred upon township treasurers by the general law of this State.

SEC. 10. The tax roll, with the warrant attached as herein provided, shall be delivered to the city treasurer, as herein-before provided, if security has been given by him as required by law, or in this act provided, and if such security shall not have been given, the council shall immediately appoint some suitable person, who shall give the required security to collect the taxes spread on such tax roll, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes and make return of his doings thereon, in the same manner, and shall have all the powers and perform all the duties, and be subject to the same liabilities as in this act conferred upon the city treasurer, for the purpose of the collection and return and paying over of said taxes. The city treasurer, or person authorized to collect taxes, as herein provided, may in his discretion, proceed to collect the personal tax spread upon said roll at any time after the delivery to him of said roll.

SEC. 11. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes, special assessments and charges created, ordered or levied in the city of Muskegon Heights, and be returned as delinquent to the county treasurer. The city, in respect to taxes, special assessments and charges created, ordered or levied therein, and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township, and all provisions of law for the sale of lands, for the payment of taxes levied for State, county and township purposes returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes, special assessments and charges created, ordered or levied in the city of Muskegon Heights except as herein otherwise provided.

SEC. 12. No general or special tax, special assessments or charges created, ordered or assessed in said city, upon any property therein, shall be held illegal or invalid, for any matter of form, in any matter not affecting the merits of the case, and which shall not injure or prejudice the rights of the party assessed; and all taxes and special assessments and charges created, ordered and assessed in said city shall be presumed to be legally assessed, until the contrary is affirmatively shown, and no such presumption shall be rebutted, or any sale for taxes, special assessments and charges created, ordered or assessed in said city, be rendered invalid by showing that any paper, certificate, return or affidavit required to be made and filed in any office, is not to be found in the office where the same ought to be filed or found, but until the contrary is proved the presumption shall be, in all such cases, that such paper, certificate, return or affidavit was made and filed in the proper office.

SEC. 13. The council shall have power to assess and collect from every male inhabitant in the city, over the age of 21, Council may collect poll tax.

twenty-one years, and under the age of sixty years, except paupers, idiots and lunatics, and other persons who are by law exempt, an annual capitation or poll tax, not exceeding one dollar, and the council may provide by ordinance for the collection of the same. Any person assessed for such poll tax may pay the same by one day's labor upon the streets under the direction of the street commissioner. All money raised by such poll tax shall be expended under the direction of the council.

Township taxes, where paid.

SEC. 14. All township taxes heretofore assessed and levied for township purposes upon any of the lots, pieces or parcels of land included within the limits of the city of Muskegon Heights, according to the provisions of this act, and which are delinquent and unpaid, when collected, shall belong and be paid to the township in which said land was situated at the time of the levying and assessment of such taxes. All village taxes which have been assessed and levied for village purposes upon any of the lots, pieces or parcels of land within the limits of said city of Muskegon Heights, according to the provisions of this act, and which are delinquent and unpaid, when collected, shall belong to and be paid to said city of Muskegon Heights.

Council may make certain contracts.

SEC. 15. The council shall also have the power and authority to enter into a contract with the owners of manufacturing or industrial enterprises, or any person or corporation contemplating locating in said city for the carrying on of any manufacturing or industrial business, and who will contract to employ in said business an average of not less than twenty-five persons daily during the working days of the year, to exempt said owners, persons or corporations from taxation for all city purposes, and from payment of water rates upon their manufacturing plant, including real estate, buildings, machinery and other property, and the personal property which is the product thereof, and upon the raw materials which are kept in stock to be manufactured in said plant, for not to exceed ten years after the date of said contract: Provided, That the council, before entering into such contract, shall submit the matter to a vote of the electors of said city at a general or special election to be held for that purpose. The council, if it determine to submit any such proposition to a vote of the people of said city, shall, by resolution, appoint a time and places in said city for the holding of said election, and in said

Proviso.

May submit question to electors.

Notice of election.

resolution shall also direct the recorder of said city to cause to be posted in five public places in each ward of said city, at least ten days before said election, a notice, either written or printed, stating the time and places of holding of said election, and stating the object of said election to be to vote upon the question whether the council shall enter into a contract to exempt, from taxation for city purposes, for a term of years to be stated therein, a certain person, copartnership or corporation organized or to be organized, and giving the name of such person, copartnership or corporation,

upon the establishment in said city, by said person, copartnership or corporation, of a plant for the manufacture of some commodity which shall be named in said notice. Such election shall be conducted in the manner provided in this act for the holding and conducting of other elections, except as herein otherwise provided. All ballots cast at such election shall be either written or printed, and ballots in proper form shall be supplied by the city recorder, at the expense of the city. The ballots shall be in the following form: "For the contract—Yes." "For the contract—No." And an ample supply of both kinds shall be furnished. After the closing of the ballots, and without recess or adjournment, the board of inspectors shall publicly canvass the votes cast in the same manner as at other elections, and shall publicly declare the whole number of ballots cast, and the number of each kind, and shall, before adjournment, make a certificate thereof, which shall be signed by all of the inspectors, and filed at once with the recorder of said city, who shall securely attach the same to a copy of the notice of said election, and report the same to the council at a special meeting to be held the day following said election, or as soon thereafter as may be, or on the day named in this act, for the canvass of votes by said council cast at any regular election, and said notice and certificate shall be entered at large upon the records of said council. If at the said election, the majority of votes cast shall be "For the contract—No," said contract shall not be executed nor entered into, but if the majority of the votes cast at such election shall be "For the contract—Yes" then the council may, by resolution, instruct the mayor and recorder to execute a contract in accordance with the first resolution of the council, and that the vote at said election for and in behalf of said city and such contract, when so executed and delivered, shall be binding upon the city. Said contract shall provide that, should the person, copartnership or corporation, or their heirs, successors or assigns, for any reason, during the term of said contract, suspend the operation of said plant for a period of more than six months in any one calendar year, except in case of unavoidable accident or casualty, or shall reduce the working force, or employes or laborers, within and about said manufacturing plant in said city, to less than twenty-five persons, then the council may, by resolution, declare said contract no longer binding on said city, and direct the assessment and taxation of the property included within the terms of said contract the same as other taxable property in said city, and the adoption of such resolution in proper manner shall operate to wholly cancel said contract, and destroy its binding force upon all parties thereto. No tax or assessment levied for city purposes in said city, shall be invalid by reason of said contract having been executed, nor by reason of the fact that the property mentioned in said contract and included within its terms is not made to bear any part or portion of such taxes or water rates.

Form of ballot.  
Conducting of election.  
When may execute contract.  
Contract, what to provide.  
Not to make tax invalid.

## TITLE XI.

## SPECIAL ASSESSMENTS.

**Expenses paid from general funds.** SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: Public buildings for the use of the city and its several departments, public wharves and landings, and lands appropriated for streets and rights of way, shall be paid from the proper general funds of the city. When, by provisions of this act, the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessments upon lands fronting on and adjacent to or otherwise benefited by the improvement, such assessment may be made in the manner hereinafter specified.

**Board of assessors.** SEC. 2. For the purpose of making any special assessment the council shall designate one of its aldermen, who, together with the assessor and the recorder, shall constitute a board of assessors. The compensation of such board shall be fixed and paid by the council.

**Resolution of council.** SEC. 3. Whenever the council shall determine to make any necessary public improvement and defray the whole or any part of the expense thereof by special assessment, it shall so declare by resolution, stating the improvement and what part or portion of the expense thereof shall be paid by special assessment, and what part shall be paid from the general funds or from street district funds of the city, and it shall also designate the district of lands and premises, upon which the special assessment shall be levied.

**When estimates, etc., to be published.** SEC. 4. Before ordering any public improvement, any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates thereof to be made, and also plats and diagrams, when practicable, of the work and locality to be improved, and filed with the recorder for public examination, and the council shall give notice thereof, and of the proposed improvement, and of the district to be assessed therefor, by publication in at least one newspaper published in Muskegon and circulating in said city of Muskegon Heights for at least two successive weeks, and of the time when the council will meet and consider any objections thereto. If the owners of more than one-half of the property to be assessed therefor shall object in writing thereto, no such improvement shall be made. The cost and expense of such improvement shall include the cost of surveys, plans, assessments and cost of construction. In no case shall the whole amount to be levied upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land as assessed upon the assessment roll for the preceding year. Any cost exceeding such percentage which would otherwise be chargeable on such lots or premises shall be paid from the proper general fund of the city. No special assessment to defray the estimated cost of any such improve-

**When improvements not to be made.**

**Contract made before assessment.**

ment shall be levied before the letting of the contract for the making of such improvement, or until the council shall have determined, by resolution or otherwise, that the city shall do the work and furnish the material for such improvement and that no contract shall be let for the making of such improvement.

SEC. 5. Whenever the council shall direct any special assessment to be made, they shall direct the same to be made by the persons named in section two of this title, and shall state therein the amount to be assessed, and shall describe or designate the lots and premises constituting the district to be assedded. Such assessment shall be made by frontages or benefits, as the council shall direct.

SEC. 6. Upon receiving such directions, the board of assessors named therein shall make out an assessment roll, entering and describing therein all the lots and premises, and parts of lots, to be assessed, and the valuation thereof, and the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed in the manner directed by the council. When such assessment is completed, they shall report the same to the council. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such lot or premises abutting or fronting upon the improvement bears to the whole frontage of all the lots or premises to be assessed unless on account of the shape or size of any lot or premises an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot or premises from the improvement, and shall report the same to the council.

SEC. 7. When any special assessment roll shall be reported by the board of assessors, the same shall be filed in the office of the recorder. Before adopting such assessment the council shall cause notice to be published for at least two weeks in at least one newspaper published in the city of Muskegon and circulating in said city of Muskegon Heights, of the filing of said assessment roll, and appointing a time in said notice, when the council and board of assessors will meet to review the same. Any person objecting to such assessment may file his objections thereto in writing with the recorder.

SEC. 8. At the time so appointed, the council and board of assessors shall meet, and then or at some adjourned meeting review the assessment roll and consider any objections made thereto. The council shall correct the same, if necessary, and confirm it as reported or as corrected, or it may refer it back to the board of assessors for revision or annul it, and direct a new assessment, in which case the same proceedings shall be had, as in respect to the previous assessment. When a

Who to make assessment.

Board of as-  
sessors to  
make roll.

Assessments,  
how made.

Roll, where  
filed, notice  
of adoption,  
etc.

Council and  
assessors to  
review roll.

special assessment shall be confirmed, the recorder shall endorse a certificate thereon upon the roll, showing the date of confirmation.

**Confirmation  
to be final.**

SEC. 9. When any special assessment shall be confirmed by the council, it shall be final and conclusive, but no such assessment shall be confirmed, except by the concurrence of two-thirds of all the aldermen elect.

**Assessments  
to constitute  
lien.**

SEC. 10. All special assessments shall, from the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person to whom assessed until paid.

**May be divid-  
ed into instal-  
ments.**

SEC. 11. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than six installments, one of which shall be collected each year, at such times as the council shall determine, with such annual interest as the council may determine, at a rate not exceeding five per cent.

**When due.**

SEC. 12. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable on confirmation.

**In case of di-  
vision of prop-  
erty.**

SEC. 13. Should any lots or premises be divided after a special assessment thereon shall have been confirmed, and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and premises so divided. The report of such appointment, when confirmed, shall be conclusive on all the parties and all collections thereafter made upon such lots or premises shall be according to such division.

**Deficiencies,  
how paid.**

SEC. 14. Should any special assessment prove insufficient to pay for the improvement for which it was levied, and the expense incident thereto, the amount of such deficiency shall be paid from the appropriate general fund of the city, and in case a greater amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

**When may  
make new  
assessment.**

SEC. 15. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made, for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment. Whenever any sum, or any part thereof, levied upon any premises, in the assessment so set aside has been paid, and not refunded, the payment so made shall be applied upon the reassessment, and the reassessment shall to that extent be deemed satisfied.

**SEC. 16.** No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

**SEC. 17.** Whenever any special assessment shall be confirmed and be payable, the council may direct the recorder to certify and report to the city assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner, or occupant against whom the assessment was made, and require said city assessor to levy and spread the several sums so assessed as a tax upon the several lots or premises to which they were assessed respectively. Upon receiving said report, the city assessor shall levy and spread the sums therein mentioned upon the respective lots and premises to which they are assessed, and against the persons chargeable therewith as a tax in the general assessment roll next thereafter to be made, in a column for special assessments, and thereupon the amount so levied and spread in said general assessment roll shall be collected and enforced with the other taxes in the general assessment roll, and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when collected shall be credited to the proper fund.

**SEC. 18.** Whenever any special assessment shall be confirmed and be payable, as hereinbefore provided, the council, instead of requiring the assessment to be reported to the city assessor as hereinbefore provided, may direct the assessment so made in the special assessment roll to be collected directly therefrom. And thereupon, the recorder shall make a certified copy of said special assessment roll, and the mayor shall attach thereto his warrant commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and to return said roll and warrant, together with his doings thereon, in sixty days from the date of such warrant. In case any assessment shall remain unpaid after the expiration of said sixty days no renewal of said warrant shall be necessary, but said warrant shall remain in full force and effect, and the treasurer shall have full power and authority to collect the same by virtue of said original warrant at any time, until such assessment shall be paid, or until said assessment shall be placed and levied upon the general assessment roll, as in this act provided. In case any assessment shall remain unpaid after the expiration of the said sixty days, the council may at any time thereafter direct

When record-  
er to report to  
assessor.

When assessor  
to collect tax.

When assess-  
ment made  
direct from  
roll.

When may  
collect by  
distress and  
sale.

Warrant to  
remain in  
force.

When may  
spread tax on  
next roll.

the amount thereof to be levied and spread, together with the interest thereon, at eight per cent. per annum, upon the next general assessment roll, and thereupon the city treasurer shall certify to the city assessor a correct description of the lots and premises, upon which any such assessment or part thereof remains unpaid, together with the amount of such unpaid assessment, with the interest due thereon, and the name of the owner or occupant against whom the assessment was made, and thereupon it shall be the duty of the city assessor to levy and spread such assessment upon the general assessment roll, as hereinbefore provided.

**When treasurer to collect tax.**

SEC. 19. Upon receiving said special assessment roll and warrant thereto, the city treasurer shall proceed to collect the amounts assessed therein, and on all sums paid at his office within thirty days from the time the roll came into his hands for collection, no collection fee shall be added, and upon all amounts paid after the expiration of said thirty days, he shall add and collect four per cent as collection fees. To all amounts paid after the expiration of sixty days from the time the roll came into his hands for collection, he shall add and collect interest at the rate of eight per cent per annum. Such collection fees and interest shall be an additional charge upon the lots or premises assessed, and against the persons chargeable therewith, and said interest shall be paid into the city treasury and credited to the interest and sinking fund.

**When to collect by distress and sale.**

If any person shall neglect or refuse to pay his assessment upon demand, the city treasurer shall levy and collect the same by distress and sale of the goods and chattels of such person, found within the city or elsewhere within the county, to an amount sufficient to pay such assessment, fees, interest and charges for subsequent sale. Such sale shall be at public auction, on giving public notice of the time and place of such sale for at least six days previous thereto, by posting written or printed notices in three public places in the city or township where such property may be found. The proceeds of such sale or so much thereof as shall be necessary for that purpose, shall be applied on the payment of the assessment, and a percentage of five per cent for costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the party entitled thereto.

**Proceeds, how used.**

SEC. 20. At any time after any special assessment has become due and payable, the same may be collected by suit, in the name of the city against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll, and a certified copy of the order or resolution confirming the same, shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

**Judgment, when rendered.**

SEC. 21. If in such action it shall appear that by reason of any irregularities or informalities the assessment has not

been properly made against the defendant, or the lot or premises sought to be charged, the court, nevertheless, on satisfactory proof that the expense has been incurred by the city, which is a proper charge against the defendant or the lot or premises in question, shall render judgment for the amount properly chargeable against such defendant or upon such lot or premises.

SEC. 22. The bringing of any such suit by the city shall not be deemed a waiver of the lien created by this act, nor of the right to enforce the same in the manner provided therefor. Suit not a waiver of lien.

## TITLE XII.

### APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use for the purpose of opening, widening, altering and extending streets, alleys, avenues, for the construction of bridges, for buildings and structures for the fire department, for public grounds, parks, market places and spaces, for public wharves, docks, slips, basins and landings, for improvements or constructions of water courses, sewers, drains, ditches and outlets and discharges for the same, for water-works and necessary public buildings, hospitals, pest-houses, quarantine grounds, public cemeteries, for gas, and electric light plants, and for other lawful and necessary public uses. But such property shall not be taken therefor, without the consent of the owner, unless the necessity for taking and using the same, and the just compensation to be made therefor and to be actually paid, or to be secured shall be determined in the manner provided by the constitution and laws of this State.

SEC. 2. The city of Muskegon Heights shall have all the rights and privileges and all the powers of other cities and villages in this State to take private property for public use and shall, as to all such rights, privileges, and powers be governed by the provisions of the constitution and laws of this State in relation to such matters. Taking of, how governed.

## TITLE XIII.

### SEWERS, DRAINS AND WATER COURSES.

SECTION 1. The council may establish, construct and maintain sewers and drains, and improve water courses, whenever and wherever necessary and of dimensions and material, and under such regulations as it may deem proper, for the drainage and sewerage of the city. Council may establish.

SEC. 2. The costs and expenses of establishing and maintaining any main or trunk sewer, constructed without reference to sewer districts, shall be paid out of the general sewer Costs of, how paid.

fund. Such part as the council shall determine, being not less than twenty-five per cent of the cost and expense of any main district sewer, or of the cost of any lateral, branch or local sewer, constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expense shall be defrayed by a special assessment upon all the taxable land and premises included within such sewer district, in proportion to the estimated benefit accruing to each parcel respectively, from the construction of the sewer. Assessments according to benefits, as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

**Special assessments, how made.**

SEC. 3. Special assessments for the construction of sewers shall be made in the manner provided in this act for making special assessments.

**Idem**

SEC. 4. All the provisions of this act relative to special assessments, as to notice of time of hearing objections to such assessments, the hearing of such objections, the reviewing, adopting and confirming of such assessment roll by the council, and the collection of such assessment, and the spreading of the same upon the general assessment roll of said city, shall apply to special assessments and special assessment rolls for the construction of sewers in said city.

**When may require owners to construct.**

SEC. 5. Whenever the council shall deem it necessary for the public health it may require by resolution the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair, and free from obstruction and nuisance; and, if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon and collected in the manner and in accordance with the provisions of sections twenty, twenty-one and twenty-two of TITLE XIV of this act for the assessment of the expense of constructing and repairing sidewalks.

**May connect with public sewers.**

SEC. 6. The owners or occupants of lots and premises shall have the right to connect the same by means of private drains with public sewers and drains at their own expense, under such rules and regulations as the council shall prescribe.

## TITLE XIV.

### STREETS, SIDEWALKS AND PUBLIC GROUNDS.

**Council to have supervision of.**

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in reasonable repair.

**SEC. 2.** The city shall not be responsible for the care, improvement or repair of streets or alleys, laid out or dedicated to public use by the proprietors of any land, until such street or alley has been actually accepted by the city or open to and used by the public for the term of three years.

**SEC. 3.** The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever it shall deem the same a public improvement, and if in doing so it shall be necessary to take or use private property, the same may be taken in the manner provided by law for taking private property for public use. The expense of such improvement shall be paid from the proper general fund of the city.

**SEC. 4.** When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, it shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when it will meet and hear objections thereto. Notice of such meeting shall be given by posting a copy of said resolution in three public places in each of the wards of said city not less than four weeks before the time appointed for such meeting. If, at any time thereafter, the council shall by two-thirds vote of all the aldermen elect, by resolution declare such highway, street, alley or public ground vacated, discontinued or abolished, the same shall be deemed vacated, discontinued or abolished.

**SEC. 5.** The council may cause all public streets, alleys and public grounds to be surveyed, and it may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the recorder in a book of street records, and it may cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended, dedicated and accepted and confirmed by the council to be recorded in like manner, and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds mentioned therein. Every resolution discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records, and the record thereof shall be prima facie evidence of the matters therein set forth.

**SEC. 6.** The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent or abutting upon such streets, alleys or grounds to be made and constructed in conformity therewith, and may change or alter the grade of any street, alley or public ground, or any part thereof, whenever, in its opinion, the interest of the public will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the recorder.

Owners not subject to assessment for change of grade.

SEC. 7. Whenever any street, alley or public highway shall have been graded or pavement shall have been constructed in conformity to grades established by authority of the city, and the expenses thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by the owners of a majority of such lots or lands, but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by said city.

Damages for change of grade, how paid.

SEC. 8. If damage shall result to any owner by change of the established grade of any street, alley, sidewalk, wharf or landing, the council may, in its discretion, levy and collect the amount thereof by special assessment upon the lots and premises benefited thereby, equal to the extent of such benefits, and pay the amount so collected to the party entitled thereto, but the city shall incur no liability by reason of anything in this section contained.

When council to cause plats to be submitted.

SEC. 9. The council shall have power, and it shall be its duty to prescribe, by resolution, the width, direction and location of all streets, alleys and public grounds of any proposed plat, or subdivision of land, within the city, and to that end any proprietor of land, intending to lay out, divide and plat the same into lots, blocks, public grounds, streets and alleys, or otherwise, shall file with the recorder a correct survey, plan and map of such land, showing all the subdivisions thereof, and all streets, alleys and public grounds intended to be dedicated to the public and also the relative position and location of such lots, blocks, streets, alleys and public grounds, with respect to adjacent premises and streets of said city. If such proposed plan and map meet the approval of the council, in regard to the streets, alleys and public grounds thereof, such approval shall be declared by resolution, and the fact of such approval, and the date thereof, shall be endorsed thereon by the recorder, under the corporate seal of the city. If such plan and map be not so approved, the council shall, within sixty days after such filing with the recorder, prescribe by resolution, the width, direction and location of such streets, alleys and public grounds, or any of them, and the proprietor of such proposed plat shall cause such plan and map to conform to such resolution, whereupon such map shall be approved by the council and endorsed as aforesaid.

In case council disapproves.

If the council fail to approve any plan or map so filed, or to prescribe any changes therein in manner aforesaid for the space of sixty days after the same has been filed with the recorder, such failure shall be deemed an approval thereof in all respects, and the recorder shall endorse such fact thereon under the corporate seal of the city, which shall have all the force and effect of a regular approval by the council. No such plat shall be valid or be recorded in the office of the

Plat, by whom endorsed.

register of deeds for the county of Muskegon until it shall have been endorsed by the recorder in manner aforesaid. Such proprietor shall, within twenty days after such plan and map shall have been approved as aforesaid, file a certified copy thereof with the recorder for the use and benefit of the city. Such approval shall not, in any manner, be deemed an acceptance by the city of such streets, alleys and public grounds.

SEC. 10. The city shall not be liable to any person for damages for injuries received by him on his property in consequence of any sidewalk or crosswalk in said city not being kept clear of snow and ice, nor shall the city be liable to any person for injuries received by him on his property in consequence of any defect in or upon any sidewalk, crosswalk or street, unless it shall be shown that the defect occasioning the injury had existed thirty days prior to said injury, or unless the city had had actual notice of the existence of said defect five days before the injury occasioned thereby was received.

SEC. 11. The council shall have power to grade, pave, plank, gravel, curb, and otherwise improve and repair the streets, avenues, lanes and alleys of said city, and for that purpose and for defraying the expenses thereof may divide the city into street districts. The term paving shall be deemed to include the construction of crosswalks, gutters and curbing.

SEC. 12. Such part of the expenses of improving any street, lane, or alley by grading, paving, planking, graveling, curbing, or otherwise, and of repairing the same as the council shall determine, may be paid from the general highway fund or from the street district fund of the proper street district, or in part from each, or the whole or such part of the expenses of such improvement, as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district to be constituted of the lands fronting or adjoining that part of the street or alley so improved, or proposed so to be, or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

SEC. 13. The expense of making any such public improvement in front of any property belonging to the city shall be paid out of the general highway fund. The expense of the improvement of all street and alley intersections shall be borne by the city.

SEC. 14. The council shall have control, except as in this act otherwise provided, of all the sidewalks in the public streets and alleys of said city, and may prescribe the width and grade thereof, and change the same when necessary. It shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

May require owners to construct.

SEC. 15. The council shall have authority to require the owners and occupants of lots and premises to construct sidewalks in the public streets and alleys adjacent to and abutting upon such lots and premises, and to keep them in repair, and to construct and lay the same upon such lines and grades, and of such width and materials, and in such manner and within such time, as the council shall by ordinance or resolution prescribe. The council shall have the power to prescribe the kind of material of which all sidewalks shall be constructed, to provide by ordinance limits or districts within which sidewalks shall be built of stone, concrete, cement or of other durable substances aside from wood or plank.

May prescribe material.

SEC. 16. The council shall have power to require the owners and occupants of any lot or premises to remove snow and ice from the sidewalks, in front of or adjacent to such lots and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances.

May require removal of snow and ice.

SEC. 17. If the owner or occupant of any lot or premises shall fail to construct, repair or maintain any sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same free from snow, ice and filth, or fail to remove and keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalk, within such time and in such manner as the council shall require, said council may cause the same to be done at the expense of such owner or occupant, and the amount of all such expenses incurred by the council shall constitute a lien upon the lot or premises, from the time the expenses are so incurred, and may be assessed and collected against said lot or premises in the manner hereinafter provided.

When cost of construction, etc., to be lien.

SEC. 18. When any such sidewalk shall have been constructed or repaired by the city, under the provisions of the preceding section, suit may be brought for the cost and expense thereof in the name of the city against the owner or occupant of such lot or premises, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action, a declaration upon the common counts for money paid shall be sufficient: Provided, That the bringing of such action shall not be deemed a waiver of the lien herein mentioned and of the right to enforce the same as herein provided.

Proviso.

SEC. 19. If the owner, occupant or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises or to remove any snow or ice therefrom, or to keep the same free from obstruction and incumbrances in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages, which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

When owner liable for injuries.

**SEC. 20.** Whenever the council shall deem it expedient to construct any sidewalk within the city, it may, by ordinance or resolution, require the owner of any lot or premises adjoining thereto, or fronting or abutting thereon, to construct such sidewalk in front of or adjoining such lot or premises; the council, in like manner, may, by ordinance or resolution, under such penalty as it may prescribe, require the owner to repair or reconstruct any sidewalk in front of or abutting on or adjoining his premises, in such manner as the council may direct. If such owner shall neglect or refuse to make, repair or reconstruct any sidewalk in front of or adjoining his premises within such reasonable time as the council shall prescribe, it shall be lawful for said council to cause the same to be done at the expense of the city. In such case an accurate account of the expense thereof shall be certified to by the street commissioner, who is hereby authorized by virtue of his office, to make, repair or reconstruct such sidewalk, or cause the same to be done, and to file such account in the office of the city recorder, and a duplicate thereof with the city assessor, within five days after such work shall have been done and completed. Such account, so certified to by said street commissioner, shall contain an accurate description of each parcel of real estate in front of which or abutting on which or adjoining which said sidewalk was so made, repaired or reconstructed, also the expense of such construction, repairing, or reconstruction, and also the name of the owner of the real estate, if known. If the name of such owner shall not be known, such facts shall be stated in such account.

**SEC. 21.** It shall be the duty of the city assessor, on the first day of March, June, September and December in each year, or as soon thereafter as may be, to place said accounts then remaining unpaid in an assessment roll, together with ten per cent of each account, to be added thereto. Said assessment roll shall be in form substantially the same as special assessment rolls provided for in this act, except that it shall not be necessary to place any valuation upon the real estate therein described. When completed, said assessment roll shall be filed in the office of the city recorder, and by him reported to the council.

**SEC. 22.** All the provisions of this act relative to special assessments, as to notice of time of hearing objections to such assessments, the hearing of such objections, the reviewing, adopting and confirming of such assessment roll by the council, and the collection of such assessments, and the spreading of the same upon the general assessment roll of said city, shall apply to the assessment rolls provided for in this title.

## TITLE XV.

## ISSUE OF BONDS.

**Resolution by council.** SECTION 1. Whenever the council shall deem it necessary to issue the bonds of the city for any purpose, except as provided in title nine of this act, it shall so declare by resolution, specifying the amount of and purpose for which it is proposed to issue said bonds, when said bonds are to mature, and the rate of interest thereon and the time when and the time where an election will be held to authorize the issue of said bonds, which time shall not be less than twenty days from the adoption of said resolution.

**To be published, etc.** SEC. 2. The council shall cause said resolution to be published in a newspaper of the city of Muskegon circulating in said city of Muskegon Heights, each day for at least fourteen days, and copies thereof shall be posted in at least three public places in each ward.

**Conducting of election.** SEC. 3. The necessary inspectors and clerks of election shall be appointed in the manner provided for in this act. The votes cast at such election shall be by ballot; and the election shall be conducted and the votes canvassed and returns thereof made in the same manner, as near as may be, as other elections under this act. The ballots used at such elections shall bear upon their face the following: "For the issue of bonds—Yes," For the issue of bonds—No."

**Levy of tax for.** SEC. 4. Whenever the council shall be authorized by a vote of the electors of said city, as aforesaid, it may issue the bonds of said city for the amount so authorized, and provide for the payment of principal and interest thereon, and for that purpose shall assess, levy and collect on the assessed value of all the real and personal estate in said city made taxable by the laws of this State, taxes not to exceed in amount a sufficient sum to pay the interest accrued or to accrue, and the principal becoming due on said bonds for the year for which said taxes are levied.

**Numbering, etc., of bonds.** SEC. 5. All bonds issued under the provisions of this title shall be numbered consecutively, and in such manner as to distinguish them from bonds which may be issued under the provisions of title nine of this act.

**Limitation of amount.** SEC. 6. The issue of bonds under the provisions of this title shall not at the time of issue of any part thereof, exceed in the aggregate ten per cent of the value of the assessable property in said city, as shown by the next preceding assessment roll.

## TITLE XVI.

## PUBLIC IMPROVEMENTS AND WORKS.

**Council to have control of.** SECTION 1. The council shall have supervision and control of the construction and care of all public works and improvements within said city.

SEC. 2. Whenever the council shall have decided upon the making of any repairs or public improvements, it shall so declare by resolution, and shall recommend the kinds of materials to be used, and shall cause estimates to be made of the quantity of such materials, and estimates in detail of the probable cost and expense of such improvements or repairs and of the materials to be used therein, and make a record of such estimates, and shall cause to be prepared so far as necessary plans and specifications of said improvement, which said estimates, plans and specifications shall be filed in the office of the city recorder; and where the estimated cost of such improvement exceeds the sum of five hundred dollars, the council shall, except as in this act otherwise provided, advertise for proposals for the furnishing of materials and the performance of such work, and shall require all bidders to furnish security for the performance of proposals tendered, if the bid be accepted, and also security for the performance of any contract awarded. All bids submitted to said council shall be publicly opened, and all contracts for the furnishing of such material or the performance of such work shall be let and made to the lowest responsible bidder who shall furnish security as aforesaid to the satisfaction of said council.

SEC. 3. All contracts made by the council shall be in the name of the city of Muskegon Heights, and after approval thereof as to form and phraseology, endorsed thereon by the city attorney, shall be executed by the mayor and recorder, and when made said council shall in behalf of the city have direction of the performance thereof. The council shall reserve the right in all contracts to determine all questions as to the proper performance of the same, and as to the completion of the work specified therein, and in case of improper delivery or imperfect performance thereof, to suspend work, at any time, and to order the reconstruction of the same, if improperly done, to re-let the work covered by said contract, or any unfinished portion thereof, or by its employes to take possession and complete the same at the expense of the contractor. It shall also have the right, and it shall be its duty by proper provisions in all contracts to retain an amount from the contract price sufficient to pay and discharge all debts incurred by the contractor for labor performed or materials furnished, and upon the failure of the contractor to pay the same to make payments thereof to the parties entitled thereto, and charge the amount so expended to said contractor.

SEC. 4. The council shall from time to time cause to be made estimates of the amounts earned and payable upon any contract or work done and materials furnished, and upon the adoption of such estimates and without unreasonable delay order payment thereof from the proper funds of said city.

SEC. 5. The recorder shall keep in his office in some convenient and suitable place easy of access, a book called "A Complaint book," in which any person may enter complaints concerning the lack of repair, or unsafe condition of any street,

When plans  
and estimates  
to be made.

To advertise  
for proposals.

Contracts, to  
whom let.

How en-  
dorsed, etc.

When council  
may re-let.

May retain  
part of price

When may  
order pay-  
ment of.

Recorder to  
keep com-  
plaint book.

sidewalk, crosswalk, bridge or culvert within the city, which book shall be in such form and with such headings as will show as nearly as may be the location by streets or by lots and blocks of any such defect, and the nature thereof. It shall be the duty of the recorder to enter in said "Complaint Book" the complaint of any person so made.

## TITLE XVII.

### FIRE DEPARTMENT.

Council to have custody of.

SECTION 1. The council shall have the care and custody of all engine houses, fire engines and apparatus, horses and hose implements, tools, bells, towers, fire alarm telegraph, and all property of every nature in use by the fire department of the city, and shall have to organize and maintain the same, and prescribe all rules and regulations for the government of the same, and prescribe fines and penalties for the breach of the same.

May prescribe rules.

SEC. 2. The council shall, when necessary, prescribe and publish a system of rules and regulations for the government of said fire department.

When may tear down buildings.

SEC. 3. The officer in charge of the department at any fire, with the concurrence of any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of the fire, and any person having an interest in the building so pulled down or destroyed shall, before bringing suit apply to the council, within three months thereafter, for damages or compensation for such buildings. The council may in its discretion pay him such compensation as it may deem just; the council may ascertain such damage by agreement with the owner or person interested, or by the appraisal of a jury to be selected in the same manner as in case of taking private property for public use, and the council may cause the amount of any damages determined upon, as aforesaid, to be defrayed by special assessment upon the property which in its opinion was protected or benefited by the destruction of said building; but no damages shall be paid for the amount of any loss which would probably have occurred to such building if it had not been pulled down or otherwise destroyed.

Compensa-  
tion for in-  
jured firemen.

SEC. 4. The council may provide suitable compensation for any injuries which any fireman or employee of said department may receive to his person or property in consequence of the performance of his duties at any fire, as it may deem just.

## TITLE XVIII.

### WATER DEPARTMENT.

SECTION 1. The city shall have power to establish, construct, maintain, regulate, and keep in repair a system of water works for the purpose of supplying said city and its inhabitants with water for municipal, domestic and other purposes, and it shall be the duty of the council to enact any and all ordinances necessary to carry into effect the power and authority conferred upon the city relative to the water works of said city.

SEC. 2. The council shall have the care, control, custody, and management of all pumping houses, machinery, apparatus and property of every nature now and hereafter in use by the water department of said city, and the care, control and management of said department.

SEC. 3. The council shall define the duties of all persons appointed to any position in said department or employed therein, and subject to the limitations contained in this act, shall fix and determine the compensation to be paid to them.

SEC. 4. Whenever it may become necessary in the opinion of the council to procure any additional water supply for the city and its inhabitants for the purposes hereinbefore named from any source or sources within or without the limits of said city, the council shall determine the kind and quantity of power and machinery required therefor; the pipes, conduits, and reservoirs, to be used and the manner and extent of distribution in said city; and subject to the limitations in this act provided, may contract for all necessary work and labor and for the purchase or manufacture of all necessary material therefor; purchase and lease lands, water rights, and other privileges or franchises necessary to provide such supply; cause pipes to be laid in the streets, alleys and lanes and through the public places or grounds in said city. Said council may, in its discretion, establish, erect and maintain, fire and public hydrants, jets and fountains.

SEC. 5. Said council shall fix and determine the rates to be paid by consumers of water, and the terms and conditions on which water shall be supplied by said department. Said rates shall be paid to the treasurer of said city, at such time or times, according to the terms and conditions aforesaid, as the council may determine, and shall be credited by said treasurer to the water fund of said city. Said council shall make all needful rules and regulations for the government of said department and the guidance of its officers, agents and employees, and for the collection of water rates, the payment of which it shall be the duty of said council to enforce by cutting off supply to the consumers and by depriving such delinquent consumer of such supply from said department, until all arrearages of water rates shall be paid or payment of such arrearages of water rates may be enforced by suit in the name of the

city, in any court of competent jurisdiction. Said rules and regulations shall be published in convenient form for the use of said department, its officers, agents and employees.

## TITLE XIX.

### POLICE DEPARTMENT.

Who to appoint, etc., police.

SECTION 1. The council shall have power to appoint as many policemen as it may deem necessary, and to fix and determine their compensation. It may also appoint as many special policemen, with or without compensation, in time of emergency or apprehended danger, as it shall deem expedient. The council may also, on application of any person or corporation, showing the necessity thereof, appoint any number of special policemen, to do duty at any designated place or places within said city, at the charge and expense of the person or corporation by whom the application was made. Such special policemen shall perform duty only at the places designated, and shall continue in office at the pleasure of said council.

Special police.

Powers and duties of.

SEC. 2. Said officers shall have the same power as constables now have by law, except as to the service and return of process in civil cases, and shall be subject to the same liability as otherwise provided by law. They shall have power and authority to execute, serve and return all process for the enforcement of all ordinances of said city and the provisions of this act, issued by any justice of peace, by the mayor or presiding officer of the council, or by any committee of the council, and shall perform such other duties not inconsistent with this act as the council may by ordinance or otherwise prescribe.

Council may discharge.

SEC. 3. The council may, whenever it shall deem proper, dismiss from the department and from service any employee of said department, with or without charges or trial, and no dismissed person shall be entitled to any compensation after such dismissal, and the council may at pleasure change any member of the police department, except the chief of police, from one grade of service to another, and may change the amount of compensation of any member of the department, except the chief of police, at any time, and may suspend any member of the department with loss of pay for such time as it may fix.

To make rules, etc.

SEC. 4. The council shall have the power and it shall be its duty to make all such rules and regulations for the government and discipline of said police department, as it may deem best to secure thoroughness and efficiency. It shall prescribe the duties of the chief of police and of all regular and special policemen, in addition to those herein provided for, and shall provide for the preservation of the public peace, for the prevention of crime, for the arrest of all offenders against the peace and good order of the city, and of all persons violating the ordinances of said city. The members of such force shall have the power to suppress all riots, disturbances and

Powers of force.

breaches of the peace; to apprehend any and all persons in the act of committing any offense against the laws of this State or the ordinances of the city and all truants, vagrants and disorderly persons, and to take the offender forthwith before the proper court or magistrate to be dealt with according to law. It shall provide for the protection of the rights of persons and property, for the preservation of order at fires, and at all railroad depots and steamboat landings, and shall cause the enforcement of all ordinances of the city and laws of the State in regard to police and public health.

SEC. 5. No member of the police force shall receive any fee, <sup>Not to receive fees, etc.</sup> gratuity or compensation of any kind whatever for the performance of any duty imposed upon him by law, the ordinances of said city or the orders of his superior officers, except such compensation as may be authorized by the council, nor shall he receive any fee, gratuity or compensation as a consideration or inducement for remitting or delaying the performance of any duty pertaining to his office. Any person violating the provisions of this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State prison not more than one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment in the discretion of the court.

## TITLE XX.

### HEALTH DEPARTMENT.

SECTION 1. The council shall constitute the board of health <sup>Who to con-</sup> for said city of Muskegon Heights, and shall have and exercise <sup>stitute board of health.</sup> all the power and authority conferred on boards of health by the general laws of this State, so far as the same are consistent with the provisions of this charter.

SEC. 2. It shall be the duty of said board of health to adopt <sup>To adopt rules.</sup> such rules and regulations for the preservation and protection of the health of the inhabitants of said city as in its judgment are deemed necessary.

## TITLE XXI.

### CEMETERIES.

SECTION 1. The city may acquire, hold and own such cemeteries or public burial place or places, either within or without the city limits, as in the opinion of the council shall be necessary for the public welfare. The council may prohibit the interment of the dead within the city, and limit such interment therein to such cemetery or burial place as it may prescribe, and may cause any body buried within the city in violation of any rule or ordinance made in reference thereto, to be taken up and buried elsewhere. <sup>City may own.</sup>

Council may purchase.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary to purchase cemetery grounds, and for the improvement, adornment, protection and care thereof.

## TITLE XXII.

### MISCELLANEOUS.

Officers of village to be officers of city.

SECTION 1. The officers of the village of Muskegon Heights at the time this act shall take effect shall also be the officers of the city of Muskegon Heights until their successors are elected and qualified, that is to say: The president of said village shall be the mayor of said city, the clerk and treasurer of said village shall be the recorder and treasurer of said city, the members of the board of trustees of said village shall be the council of said city, the village attorney, marshal and assessor of said village shall be respectively the city attorney, chief of police and assessor of said city, and shall perform the duties of their respective offices under this act.

Council may provide for registration.

SEC. 2. The council is hereby authorized to make full provision for the registration of electors, and for holding the first election under this act in the several wards of said city, but five days' notice of the first registration and election under this act shall be sufficient notice.

City to succeed to property, etc., of village.

SEC. 3. The city of Muskegon Heights shall succeed to all property, real, personal and mixed, and all rights of property in law or equity, all debts, fines, penalties and forfeitures, and all causes of action of the village of Muskegon Heights, or which may hereafter accrue to it, and the same are hereby absolutely vested in said city, and all claims, causes of action, and all rights and equities of said village may be prosecuted for and recovered by said city to the same extent which they might have been by said village had not this act been passed; and the city of Muskegon Heights shall assume and be liable for all indebtedness, contracts and liabilities of said village of Muskegon Heights, and shall fulfill and discharge the same, and the collection thereof and of all other demands against said village may be enforced in any competent court against said city, and no suit or proceeding now pending shall abate by reason of the passing of this act, but the name of this corporation shall be substituted in said suit or proceeding in the place and stead of said village, and said suit or proceeding shall then proceed in the corporate name of said city.

Officers to transfer books, etc.

SEC. 4. The officers of said village of Muskegon Heights shall transfer to the proper officers of the city of Muskegon Heights all books, papers, vouchers and property of every kind, in their respective offices, belonging to said village, and the treasurer of said village shall also turn over to the treasurer of said city all moneys in his hands or under his control,

belonging to said village. Upon the audit of his accounts by the council and the payment of said moneys to the city treasurer, the bondsmen of said village treasurer shall be deemed to be released from any liability for any disposition made of any city moneys after that date. The council shall make disposition of said moneys so received from the village treasurer as aforesaid into the several general funds provided by this act.

SEC. 5. The ordinances, rules and regulations of the village of Muskegon Heights not inconsistent with the provisions of this act, at the time this act shall take effect, are hereby continued in full force and effect until legally amended or repealed by the proper authorities of said city.

SEC. 6. Whenever an appeal shall be taken in any cause in any court, or a writ of error issued in any suit, brought by or against said city of Muskegon Heights, it shall not be necessary, in order to perfect said appeal or to stay proceedings upon any judgment for the said city of Muskegon Heights to execute any bond or other undertaking.

SEC. 7. Upon the taking effect of this act the village of Muskegon Heights shall cease to exist as a corporation, except as in this act otherwise provided, and said corporation shall be and become dissolved, and all of the territory embraced within the limits of the village of Muskegon Heights, and not included within the city of Muskegon Heights, shall be and become, for all purposes, a part of the township in which it is situated.

SEC. 8. The school district or school districts, in which said city of Muskegon Heights is located, shall not be affected or governed by the provisions of this act, but all of the laws and regulations now governing such district or districts, shall remain in full force and effect, the same as if such city had not been incorporated, and, for school and district purposes, the city of Muskegon Heights shall, in all respects, be treated and considered as a township.

This act is ordered to take immediate effect.

Approved March 13, 1903.

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[No. 323.]

AN ACT to incorporate the city of Beaverton, in the county of Gladwin.

*The People of the State of Michigan enact:*

SECTION 1. The northwest quarter and the north half of the southwest quarter of section seven in township seventeen north, range one west shall be detached from the township of

Tobacco, and the north half, the north half of the southeast quarter, and the northeast quarter of the southwest quarter, of section twelve in township seventeen north, range two west, shall be detached from the township of Beaverton, and the said territory so detached is hereby incorporated, made and constituted into a city to be known as the city of Beaverton.

Divided into wards.

First.

Second.

Third.

City subject to general law.

Village officers to hold over.

Council to provide for first election.

Compensation of officers.

Accounts between city and township, how adjusted.

SEC. 2. The said city shall be divided into three wards as follows: The first ward shall embrace all that portion of said city described as follows: Ross Brothers' addition to the village of Beaverton and that part of the northwest quarter of section seven in township seventeen north, range one west, lying north of the center line of Brown street in the said city of Beaverton; the second ward shall embrace that portion of the territory in the city in section seven, township seventeen north, range one west, lying south of the center line of Brown street, blocks seven and ten in the Bliss, Brown and Ryan addition to the village of Beaverton, and those portions of blocks four and six in said addition lying easterly from the Pere Marquette railroad right of way in said city; and the remainder of the territory in said city shall constitute the third ward.

SEC. 3. The said city of Beaverton shall, except as herein-after provided, be governed and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of eighteen hundred ninety-five, approved May twenty-seventh, eighteen hundred ninety-five, and all acts amendatory thereof, which said act, as the same is now or hereafter may be amended, is hereby made and constituted a part of the charter of said city of Beaverton.

SEC. 4. The terms of office of all elective or appointive officers in the village of Beaverton, which now embraces all the territory by this act organized into a city, shall be extended to the first Monday in April, nineteen hundred three, at which time the first election shall be held in said city. The present council of said village of Beaverton shall provide for the holding of said election by the appointment of a board of election commissioners, and by giving proper notice of the time and place in each ward where such election shall be held and of the officers to be elected.

SEC. 5. The mayor and aldermen of said city shall serve without compensation.

SEC. 6. The rights and liabilities as between the city of Beaverton and the townships of Tobacco and Beaverton shall be adjusted according to the provisions of act number thirty-eight of the Public Acts of eighteen hundred eighty-three, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships," and any liability accruing to the city of Beaverton by reason of the detachment of territory from either of said townships shall be

paid from a tax levied only upon that territory in the city, by reason of whose detachment the liability was incurred.

SEC. 7. The incorporation of said city of Beaverton shall in no way change or affect the boundaries of fractional school district number four of Beaverton township, but the same shall continue to be a graded school district and no change shall be made in the manner or time of electing its district officers or in the management or control of said district, except that the taxes voted for school purposes in said district shall be apportioned at or before the time of meeting of the board of supervisors of Gladwin county, in annual session, in October in each year, by the supervisors of the townships of Beaverton and Tobacco and the supervisors of the three wards of the city of Beaverton.

SEC. 8. The city of Beaverton shall comprise a single assessment district and assessments of property and spreading of taxes shall be made therein by a city assessor, who shall be appointed at a regular meeting of the city council, held in March each year, and who shall hold his office for the term of one year from the first Monday in April, and until his successor is elected and qualified.

This act is ordered to take immediate effect.

Approved March 13, 1903.

Incorporation  
not to change  
school  
districts.

Assessments,  
how and by  
whom made.

[No. 324.]

AN ACT to authorize an issue of bonds by the township of Peninsula, in the county of Grand Traverse, to enable said township to carry forward desirable public improvements.

*The People of the State of Michigan enact:*

SECTION 1. The township of Peninsula, in the county of Grand Traverse, is hereby authorized to issue and negotiate its coupon bonds for a sum not to exceed twenty thousand dollars, the proceeds thereof to be used for the making of public improvements in said township.

SEC. 2. It shall be the duty of the township board of the township of Peninsula, immediately after the passage of this act, to give public notice that at the annual township meeting to be held on the first Monday in April, nineteen hundred three, the question of the issue of bonds by the township to an amount not exceeding twenty thousand dollars, for the making of public improvements in said township, will be submitted to the electors of the township for their determination; said notice shall be published in some newspaper generally circulating in said township, for at least two issues, and the township clerk shall cause copies of said notice to be posted in at least five public places in said township not less than ten

Bond issue by  
township.

Question to be  
submitted to  
electors.

Conducting of election.

days prior to the date of said annual township meeting, and due proof of the publication and posting of said notice shall be placed of record in the proceedings of the township board.

Ballots.

SEC. 3. The township board shall provide a separate ballot box and separate ballots for the use of the electors at the annual township meeting, in order that the electors may duly express their will on the question of the issue of bonds by the township; the ballots shall have printed on them the following words: "The issue of bonds for public improvements—Yes," and "The issue of bonds for public improvements—No." The vote on the question of the issue of bonds by the township for the making of public improvements shall be canvassed, counted, declared and recorded in the proceedings of the township meeting in the same manner as the votes for the several township officers are canvassed, counted, declared and recorded.

When board may issue bonds.

SEC. 4. If it shall be found that a majority of the electors of the township have voted in favor of the issue of the bonds of the township to pay for the making of necessary public improvements, it shall be the duty of the township board to make due preparation for the making of such improvements, and may contract for the same, and may stipulate that the payment therefor may be in portions as the work progresses or as a whole, on the completion of the work; but they shall not enter into any agreement by which the township will incur a greater liability than the total amount of the bonds voted to be issued.

Interest on bonds.

SEC. 5. The township board shall prepare coupon bonds which shall bear a rate of interest not to exceed four per cent per annum, and shall be executed by the supervisor and the township clerk. Said bonds shall be of such denomination as the township board shall determine and shall run for a period not to exceed twenty years from the date thereof, and shall not be negotiated for less than the par value.

Supervisor to provide sinking fund.

SEC. 6. It is hereby made the duty of the supervisor of Peninsula township to place in his tax roll for each succeeding year an amount sufficient to pay the interest on the bonds which may be issued under and by virtue of this act, and also to provide for a sinking fund which shall be sufficient to pay the said bonds at maturity.

When question may be submitted at special election.

SEC. 7. If for any cause the question of the issue of the bonds authorized by this act is not submitted to the electors at the annual township meeting on the first Monday in April, nineteen hundred three, for their determination, it shall be lawful for the township board to submit the question to the electors at a special election called for that purpose. In that case, the provisions contained in sections two and three of this act shall be faithfully observed relative to the notice, the form of the ballot and the canvass and record of the vote.

This act is ordered to take immediate effect.

Became a law March 14, 1903, without the signature of the Governor.

## [No. 325.]

AN ACT to prohibit the entering of sewerage in the waters of Spring Lake so-called, situated partly in the township of Spring Lake, Ottawa county, and partly in the township of Fruitport, Muskegon county, and to provide a penalty therefor.

*The People of the State of Michigan enact:*

SECTION 1. No person or persons, or corporation, shall at any time empty any sewerage in the waters of Spring Lake, so-called, situated partly in the township of Spring Lake, Ottawa county, and partly in the township of Fruitport, Muskegon county.

SEC. 2. Any person or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding fifty dollars and costs of prosecution for each offense, or be committed to the county jail in the county where such offense was committed, until such fine and costs are paid: Provided, Such imprisonment shall not exceed thirty days.

SEC. 3. All prosecutions under the provisions of this act shall be commenced within one year from the time such offense was committed.

Approved March 17, 1903.

## [No. 326.]

AN ACT to provide for the nomination of candidates for election by popular vote and relating to primary elections in Kent county.

*The People of the State of Michigan enact:*

SECTION 1. On the eighth Tuesday preceding any election at which members of the State legislature or officers of the county of Kent are to be elected, a primary election shall be held in the several townships of said county and wards of the city of Grand Rapids, and at said primary election the candidates for all elective county officers, judges, representatives and senators in the State legislature and all other elective officers (excepting members of the school boards, and county commissioners of schools and all township officers) who are to be voted for at the ensuing election, shall be chosen by popular vote as hereinafter provided.

On the third Tuesday preceding any charter or special election, a primary election shall be held for the nomination, by direct vote of the people, of all elective officers for the city of

Grand Rapids, except the elective members of the school board.

**Primaries all held at same time.**

SEC. 2. The primary elections of all political parties shall be held at the same time and place and in the manner provided for in this act (and not otherwise), and the person or persons who receives on each party ballot the greatest number of votes for the nomination of any office he seeks, shall be the candidate of his party for that office or position at the next ensuing election. The judges of primary election provided for in this act shall be appointed, designated and compensated as are inspectors of general election in said county or city.

**Appointment of judges.**

**Duties of candidates.**

SEC. 3. At least ten days and until five o'clock in the afternoon of the tenth day before the primary election day, any person, or persons who desire to become a candidate for any office and shall be eligible therefor, shall appear personally or by his representative, duly authorized in writing, before the city clerk of said city, if a candidate for a city office, and before the county clerk, if a candidate for a legislative or county office in said county, and shall then and there subscribe to and make affidavit that it is bona fide the intention of such person to run for the nomination for such office as he may specify, and shall then and there pay to said county clerk or said city clerk, as the case may be, the sum of fifteen dollars, except candidates for the legislature and all ward officers and supervisors at large for the city of Grand Rapids who shall pay to the county clerk or city clerk, the sum of five (\$5.00) dollars each, a receipt for which shall be given them.

**Clerk to place name on ballot.**

The county clerk, or the city clerk as the case may be, shall then place or cause to be placed the name of said person or persons upon the primary election ballot of the designated party as hereinafter provided. The said county or city clerk shall number each petition in numerical order as received. All fees paid to the city clerk under the provisions of this act, shall be paid into the city treasury,—on or before the last day for filing their declaration to be candidates for nomination, and all fees paid to the county clerk shall be paid into the county treasury on or before the last day for filing their declaration aforesaid. The affidavit heretofore provided for may be substantially in the following form:

**Form of affidavit.**

"I....., being duly sworn, say that I reside at No.....street (city or township), county of Kent, State of Michigan, and am a qualified voter therein, and a.... ....(name of party). That I am a candidate for nomination to the office of.....to be made at the primary of said party, to be held at.....hereby request my name to be printed upon the official primary ballot as provided by law, as the candidate for the.....party.

.....  
.....Subscribed and sworn to before me this.....day of  
.....190.....

....."  
....."

SEC. 4. The method of voting on said primary election shall be by ballot, and all ballots voted shall be printed and prepared as herein provided. On the tenth day before any primary election, the county clerk or the city clerk, as the case may be, shall group all the candidates for each political party by themselves and shall at once prepare in writing separate ballots for each political party, which ballots shall be posted in some conspicuous place in his office for the purpose of inspection, and he shall then proceed to have printed separate ballots for each political party, which ballots shall be prepared and printed in the following manner:

Each party ticket shall be printed in black ink on white paper, and all ballots used at any election shall be uniform in color and size. Across the head of each ticket shall be printed in plain black type, the name of the political party and the words "Primary Election Ballot." On the next line and in smaller type shall be printed the words, "list of candidates for nomination to be voted for in ward or township (naming the ward or township) (naming the ward that said ballot is intended for), followed by "City of Grand Rapids, or County of Kent," as the case may be. The balance of the ticket is to be made up under the head in two columns, with a design of parallel or filagree rule, one inch wide, to separate the columns. At the top (and at the top of each column, if the ticket shall be made up in two columns) shall appear the words "To vote for a person mark (X) in the square at the left of the name of the person for whom you desire to vote." This sentence shall be enclosed in a rule the same as the names of each candidate, and at its end shall be a square directly over the squares in which marks are to be made. In that square there shall be a black cross to show the voter how to mark the ballot. Beginning at the top of the left hand column, at the left of the line in black type, shall appear the position for which the names following are candidates. Following this shall come the names of each candidate for that position enclosed in light face rule, with a square to the extreme left. The parallel rules containing the name to be one-sixth of an inch apart. Each position, with the names running for that position, shall be separated from the following one by a black face rule, to separate each position clearly. The positions shall be arranged as follows: Provided, Nominees for such positions are to be selected in said county or city under the provisions of this act: judiciary; next, legislative; next, county officers; next, city and ward officers.

SEC. 5. The name of each candidate for each office shall be printed on the ballot and the position shall be changed on the ballot after each hundred ballots have been printed. The printer shall take the line of type at the head of each office division and place it at the bottom of that division shoving up the column so that the name that was second before the change will be first after the change. The ballots of each political party shall be alike. They shall be kept in separate

piles, one pile for each change of position, and then shall be piled by taking one from each pile, and placing it upon the pile to be cut, the intention being that every ballot in the pile shall have a different position as near as may be. After the pile is made in this manner they may be cut and placed in piles as provided by the general election law.

There shall be no printing on the backs of the ballots or any marks to distinguish them but the initials of the chairman of the board of inspectors.

Clerks to supply ballots.

SEC. 6. It shall be the duty of the city clerk of Grand Rapids and the county clerk of the said county of Kent, as the case may be, to provide and prepare a sufficient number of ballots to be used at such primary elections; at least three ballots to every two electors of each party according to the vote at the last preceding general election. A proof copy of the ballot shall be placed on file at the office of the said city clerk of the city of Grand Rapids, or the county clerk of the said county, as the case may be, to be opened for the inspection of candidates named thereon, at least five days prior to said primary election. The ballots shall be delivered by the said city clerk, or the county clerk of the said county to the several chairmen of the several boards of inspectors in the several wards or voting precincts of said city, and the said township and election districts of said county in the manner provided by the general election laws of the State of Michigan for the delivery of ballots.

Proof copy to be filed.

To whom ballots delivered.

SEC. 7. It shall be unlawful for the printer of such ballots or any other person to give or deliver to any one, or knowingly permit any of said ballots to be taken by any person other than the city clerk and said county clerk for whom such ballots are being printed, or print, or cause, or permit to be printed any primary election ballot in any other form, than the one prescribed by this act, or with any other name thereon, or with names misspelled or the names arranged in any other way than that authorized and directed by said county clerk or said city clerk as the case may be.

Place of holding primary.

SEC. 8. A primary election shall be held in each voting precinct in said city and county and at the place designated by the officers whose duty it is to designate the places for holding elections. At least ten days prior to the time herein set for the holding of such primary elections, the city marshal if a city election, and the sheriff of Kent count, if a county or legislative election, shall give notice of the holding of such election, which notice shall be in writing, and be delivered to the township clerk of each township, and to the several chairmen of the several boards of primary election inspectors in said city.

Who to give notice of.

The notice required by the general election law, or provided by the charter of the city of Grand Rapids, as the case may be, for the registration of electors, shall be required and given with reference to all primary elections. Said notice shall also designate the offices for which candidates are to be chosen.

**SEC. 9.** The several boards of primary election inspectors <sup>Appoint-  
ment of  
election in-  
spectors.</sup> to manage and conduct such elections, in the various voting precincts in said city, shall be appointed in the same manner as inspectors of election are now chosen, and whose duties shall be the same as those imposed on inspectors of election under the general election law of this State; but the majority of each board shall be chosen from the political party which cast the highest number of votes at the last preceding general election. The said board of inspectors in each of the said <sup>Term of office,  
etc.</sup> voting precincts of the said city and county, shall consist of three members of whom the first appointed shall be chairman, and they shall hold office for the term of two years next following their appointment, and until their successors are appointed, and they shall receive three dollars for their services at such primary election to be paid from the same fund and in the same way as in general elections. In case one or more of <sup>Filling of  
vacancy.</sup> the persons so appointed shall, from any cause, fail to appear at the time and place specified for the holding of said primary election, his or their places shall be filled on said board from among the electors at the opening of the polls, in the manner prescribed in the general election law of the State. The said board shall have the power to appoint from the electors present at said polls, two clerks whose duties shall be the same as those prescribed by the general election law of the State. Said clerks shall receive three dollars for their services.

**SEC. 10.** The following sections of the general election law, <sup>Sections of  
election laws  
applied to  
primaries.</sup> relating to the arrangements of polling places, the ballot boxes, booths, inspectors, and clerks, are hereby made applicable to primary elections held under this act, to wit: Sections three thousand six hundred thirty-one, and three thousand six hundred thirty-two and three thousand six hundred seventeen of the Compiled Laws of one thousand eight hundred ninety-seven.

**SEC. 11.** The polls in the several voting precincts on the <sup>Time polls  
kept open.</sup> primary election day shall be kept open for the purpose of voting from twelve o'clock noon until eight o'clock in the evening: Provided, That in the townships the polls shall be <sup>Proviso.</sup> closed at six o'clock p. m.

**SEC. 12.** All persons entitled to vote in any precinct at the <sup>Who entitled  
to vote.</sup> next ensuing general election shall be entitled to vote in that precinct in the primary elections. No voter shall receive a primary election ballot, or be allowed to vote, until he is first duly registered as a voter in the manner provided by law, and it shall be the duty of inspectors of primary elections to examine the books of registration and know that each voter is duly registered and entitled to vote before his ballot shall be received.

An elector offering to vote shall receive the ticket or ballot <sup>Voter to state  
ballot wanted.</sup> of but one political party. It shall be incumbent upon him to state to the inspector of election, having in charge the handling of ballots to electors, the ticket he desires such as, "The

**Challenge of voter.**

**May swear vote in.**

**Form of oath.**

**Inspectors may require voter to subscribe oath.**

**Challenged vote to be numbered.**

**Marking, etc., of ballot by elector.**

Republican," "The Democratic" or the ticket of any party he may name. If his right to vote that ticket is not challenged he shall be entitled to receive that ticket forthwith. It shall be competent for any elector or inspector of primary election present, to challenge the right of any one offering to vote on the ground that he is not a legal voter in that precinct or that he is generally known to belong to a political party opposed to the party whose ticket he has asked for. When the right of any voter to cast a ballot is challenged he shall be required to make oath that he will be entitled to vote in that precinct at the next ensuing election and that he is in sympathy with the political party whose ticket he proposes to vote. Such oath or affidavit shall be in the following form: "I..... do hereby solemnly swear that I am a resident and voter in the township of..... or..... precinct of ..... ward of the city of Grand Rapids, or will be at the next ensuing election, that I am in sympathy with the principles of the ..... party and expect to vote the ticket of that party at the next ensuing election.

The inspectors of primary elections, in their discretion, may require a voter challenged, to subscribe to the above oath or affidavit. Printed copies of it for that purpose shall be furnished in sufficient number as primary election tickets and tally sheets are furnished. When a challenge is decided in favor of a voter he shall then receive the ballot asked for and be entitled to the privilege of voting, the same as though his right had not been challenged.

When any voter shall be challenged, the inspector receiving the tendered vote shall place a number on the back of the ballot. The same number shall be set opposite the person's name offering said challenged vote by the clerk of said primary election. The numbers are not to be divulged to any person or persons whomsoever, unless there shall be a contest or a recount of the legality of primary election, or ordered to do so by a court of competent jurisdiction. The first challenged vote shall be numbered one (1) and then each challenged ballot shall be in numerical order as the challenges are made.

SEC. 13. When an elector has received his ballot, he shall forthwith retire to an unoccupied booth, and without delay mark the ballot as he sees fit, with the pencil to be found in such booth. If he soils or defaces said ballot he shall at once return the same, and get a new ballot. In marking his ballot he shall observe the following rules: The elector shall designate his choice on his ballot by marking a cross (X) in each of the small squares opposite the name of the candidate for whom he desires to vote, being careful not to vote for more candidates for office than are to be elected thereto at the election to follow the primary election as indicated on the ballot at the left of each office for which candidates are to be selected. The provisions of section three thousand seven hun-

dred fifty-one of the Compiled Laws of eighteen hundred ninety-seven are hereby made applicable to this act.

SEC. 14. When an elector has prepared his ballot, he shall fold it with the edge upon which are the initials of the chairman uppermost, and so fold it as to conceal the face thereof, and all marks thereon, and shall hand the same to the inspector of said primary election who is in charge of the ballot box. The folded ballots when returned, shall be placed in the proper ballot box, and the name of the voter shall be checked off upon the registration list, kept by said board of inspectors of the primary election.

SEC. 15. It shall be the duty of each board of registration in the several voting precincts in the townships of said county, and wards of said city, in addition to all other duties required of them by law, to make a duplicate copy of the names of the electors registered at any registration, in a book to be provided them for that purpose. Upon the completion of said registration, the said extra books of names of electors registered, shall be delivered to the proper officers, as books of registration are now delivered under the general registration law of this State. It shall be the duty of the said officers who receive said extra books when a primary election is to be held, to deliver them to the chairman of the several boards of primary election inspectors to be used at the said primary election.

SEC. 16. As soon as the polls are finally closed, the board of primary election inspectors shall proceed to canvass the votes. Such canvass shall be public. The ballot boxes shall be opened and the whole number of ballots counted. If the ballots shall be in excess of the number of electors voting, according to the poll lists, the number in excess shall be drawn out as provided in section three thousand six hundred forty-six of the general election laws of this State. Except as herein otherwise provided the matters pertaining to the canvassing of votes shall be conducted in the manner prescribed for the canvassing of votes at the general election in this State.

SEC. 17. Two sets of tally sheets, or two tally books for each political party having candidates to be voted for at said primary election, shall be furnished for each voting precinct by the said city clerk or county clerk, as the case may be, at the same time, and in the same manner, that the ballots are furnished, and shall be substantially as follows: Each tally sheet, or the first sheet for each tally book to be furnished shall be headed: "Tally sheet for ..... (name of political party), ..... (name of county or city), ..... (ward or town) ..... voting precinct for a primary election held ..... (date)."

The names of the candidates shall be placed on the tally sheets in the order in which they appear on the official ballots, and each case shall have the proper party designated at the head thereof. Opposite the names of the respective candidates shall be placed the whole number of votes cast for

*Ballots, how  
folded, depo-  
ited, etc.*

*Duplicate  
registration  
books.*

*To whom  
delivered.*

*Canvas of  
votes.*

*Two sets of  
tally sheets!  
to be  
furnished.*

*Heading.*

*How made  
out.*

him at said primary election. This tally sheet, together with the ballots, shall be placed in the ballot boxes and delivered by the chairman of said board of primary election inspectors to the city clerk or county clerk, as the case may be. The chairman of the board of election inspectors shall also return the registration books to the officers from whom they received them.

**Canvassing  
board, of  
whom to  
consist.**

**Meetings.**

**To make  
statement.**

**Statement of  
votes.**

**Of persons  
receiving  
nomination.**

**Of number of  
electors  
registered.**

**To notify  
candidates.**

**Who to be  
candidates.**

SEC. 18. The clerk of the city of Grand Rapids, and the clerk of the county of Kent, and the judge of probate of Kent county shall constitute the canvassing board for said city and county for the purpose of the primary election, and shall meet in the office of the probate court in the county court house, at ten o'clock on the morning of the day following said primary election, and shall proceed, after taking the usual oath of office, openly and publicly, to canvass the primary election returns made to the city clerk or the county clerk. The canvassing board need not wait until all the returns are at hand before beginning.

SEC. 19. The canvassing board shall make and prepare a statement, the same to be signed by the said board and filed in the office of the county clerk, or the city clerk, as the case may be, as follows:

First, A statement containing the names of all candidates voted for at the primary election with the number of votes received by each, and for what office. Said statement to be made as to each political party separately;

Second, A statement of the names of the persons or candidates of each political party who are nominated, to wit: Those persons or candidates of such political party who receive the highest number of votes for the respective offices, and where there is more than one person to be elected for a given office at the ensuing election, there shall be included in said statement of nomination the names of so many candidates of such party receiving the next highest number of votes as there are persons to be elected to said office at said ensuing election. Said statement shall in like manner be made separately as to each political party;

Third, A statement of the whole number of electors registered, and the number of ballots cast at such primary election. If two or more candidates of the same political party are tied for the same office, the tie shall be determined by lot, and to be cast then and there by and as the canvassing board may determine.

It shall be the duty of said canvassing board to notify each of the successful candidates of their nomination, and that his name will be placed upon an official ballot at the next ensuing election.

SEC. 20. The persons whose names are so properly placed in said nominating statements, shall be and constitute the nominees of the several political parties of which they are candidates, and such names shall be printed upon the official ballots prepared for the ensuing election in like manner as

**if such persons had been duly nominated by a party convention as delegates, with a certificate thereof, filled as required by said general election law.**

No names of candidates of any political party which is required to make nominations under this act for officers to be voted for, shall be placed upon the official election ballot unless such candidates have been chosen in accordance with this act, except in the case of vacancy occasioned by death, removal, resignation or in case the candidate so nominated shall be disqualified from holding office under the general law of the State, and in such event the county or city campaign party committee of the same political party, or if there be no such committee, then a mass convention of such party may fill such vacancy, and except in case of a candidate or candidates desiring to be placed on said official ballot, having been nominated in mass convention as an independent candidate or candidates, by at least two hundred electors of said city, before the name or names of such candidates shall be placed upon said official ballot, he or they shall pay to said city clerk the fee required by other candidates for the same office. The name of such new candidate or candidates to fill vacancies to be certified under oath to the city clerk or county clerk by the chairman or secretary of such committee or convention, who shall certify them to the proper election commissioners.

SEC. 21. The candidate or candidates nominated under the provisions of this bill, shall, immediately after their nomination, select a party campaign committee for their respective offices, one to be chosen from each ward or township in their election district, who shall hold office for two years and until their successors are elected and qualified. The candidate or candidates shall also select a chairman of their respective campaign committee, whose term of office shall be two years. The members of the committee so selected shall elect one of their number as secretary of the committee to which they belong. Said committees are to direct the campaign of the office that they are selected to act for.

Nominees to  
select party  
campaign  
committee.

SEC. 22. Any candidate voted for at a primary election in this city or county may contest the nomination of the candidate against him at said primary election by filing a petition with the probate judge of the county within twenty-four hours after the close of the polls, in which he shall specify the cause for which such application is made. Such petition shall be brought before the board of examiners created by section nineteen of this act. Said board shall proceed as hereinafter provided:

Contesting  
of nomina-  
tions.

Provided, That at the time of filing his petition he shall deposit twenty-five dollars with the judge of probate, which amount shall be disposed of as hereinafter provided.

(a). Said petition shall set forth that the petitioner was a candidate for the office claimed by him, and that he re-

Petition, what  
to set forth.

ceived votes therefor, and that he has good reason to believe and does believe either

(1). That there was error or fraud in the count or in returns of the inspectors of election.

(2). That there was fraud or error in the count or in the determination of said board of canvassers.

(3). That there was error or fraud in both, and further stating that he believes that unless the ballot boxes are opened and votes counted without unnecessary delay, his rights will be jeopardized.

Said petition shall be in writing and shall be subscribed and sworn to by the person or by some one in his behalf. A copy thereof shall be served upon the person or persons who are candidates for such office at said primary election.

When board  
of examiners  
to meet.

(b). Upon the filing of said petition, the judge of probate shall forthwith notify the members of said board of examiners created by section nineteen of this act, of the filing of said petition, and shall, in the notice, appoint a time and place for the board of examiners to meet, which time shall not be more than twenty-four hours after the filing of said petition, properly verified, and such probate judge shall issue an order causing the ballot boxes to be brought before the board of examiners and at a place and a time specified in the order, and a copy of such order shall be served upon the person or persons whose election is to be contested and also upon the officer in whose custody is kept the ballot boxes of said primary, whose duty it shall be to produce said ballot boxes before said board of examiners at the time and place named in said order.

Certain  
sections  
applied.

That sections two hundred thirty-four (e), two hundred thirty-four (f), two hundred thirty-four (g), two hundred thirty-four (h), of Howell's Statutes, volume three, are hereby made applicable as far as possible to this act.

Penalty for  
electioneering,  
buying  
votes, etc.

SEC. 23. Any person who shall, while the polls are open at any polling place on any primary election day, do any electioneering in said polling place, or within two hundred feet of said polling place; any person who shall offer or give to another person any intoxicating liquors, or drink any intoxicating liquors within any such polling place; any person who shall solicit or receive, directly or indirectly, any money or any promise of place or position or any valuable consideration for his vote or support at any primary election; any person who shall offer any voter any money or reward of any kind, or who shall promise any place or position for the purpose of securing such votes or vote, or support at any such primary election; any person who shall knowingly violate any of the provisions of this act, any person who shall refuse to perform any duty enjoined upon him hereby; any person who shall vote or attempt to vote more than once or in more than one election district at the same primary election; any person who shall solicit another person to vote more than once at said primary election, shall be guilty of a misde-

meanor. Any person who shall be convicted of any of the acts or omissions which are by this act declared to be misdemeanors, shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year or by both such fine and imprisonment in the discretion of the court.

SEC. 24. All acts or parts of acts in anywise contravening the provisions of this act are hereby repealed. Repealing clause.

SEC. 25. This act, except this section, shall not become operative until after it has been submitted to a vote of the electors of the county of Kent as hereinafter provided, and then shall not become operative unless a majority of the electors within such county, voting on the question, shall vote in favor of its adoption. At the election to be held on the first Monday in April, nineteen hundred three, there shall be submitted to the electors of the county of Kent, in like manner as is provided by law for constitutional amendments, the question of whether the provisions of this act shall become operative, and the Secretary of State is hereby required, and not less than ten days before such election, to certify this act to the clerk of the county of Kent in the manner required by section three thousand six hundred twenty-four of the Compiled Laws of eighteen hundred ninety-seven for constitutional amendments. The said county clerk shall, upon receipt of such certification, convene the board of election commissioners of such county, and the said board shall forthwith prepare a ballot for the use of the electors desiring to vote upon said question, which shall be substantially in the following form: At the top of each ballot shall be printed in bold-faced words: "Vote on the question of nominating all candidates for office by a direct vote of the electors." Then shall follow: Are you in favor of abolishing legislative and county conventions and nominating legislative and all county officers, excepting members of the school boards and county commissioners of schools, by a direct vote of the electors on the Australian ballot?

[ ] Yes.

[ ] No.

Such ballots so prepared shall be sent out by said board of election commissioners at the same time and in the same manner as the ballot to be used at said election. And it shall be the duty of the board of election inspectors at each voting precinct in the county of Kent, to see to it that each elector is furnished with one of such ballots at the same time he is furnished with the general ballot, and to inform such elector of the nature and purpose of it, and each elector shall be required, on coming out of the booth and tendering his vote to the inspectors of election, to produce and hand such inspectors the ballot relating to the adoption of this act, who shall place the same in the box prepared for that purpose. All votes cast therefor shall be taken, counted, canvassed and returned as provided by law for the election of county offi-

Form of ballot.

Conducting of election.

cers. And if a majority of the electors of the county of Kent voting on the question vote "Yes" then the act shall at once become operative.

This act is ordered to take immediate effect.

Approved March 17, 1903.

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[No. 327.]

AN ACT to legalize the action of the township board of the township of St. Clair, in St. Clair county, Michigan, in letting a contract to build an iron bridge over Pine River, known as the "Luck Bridge," and to authorize the township board of said township to issue bonds of said township to the amount of twenty-eight hundred and fifty-five dollars for such purpose, and to levy taxes sufficient to provide for the payment of the same and the interest thereon.

*The People of the State of Michigan enact:*

Action of  
board legal-  
ized.

SECTION 1. The action of the township board of the township of St. Clair, in St. Clair county, and State of Michigan, in letting a contract to build an iron bridge over Pine River, known as the "Luck Bridge," to the Joliet Bridge & Iron Company, be legalized.

Board may  
issue bonds.

SEC. 2. The township board of the township of St. Clair, county of St. Clair, and State of Michigan, is hereby authorized to borrow, for the purpose of paying said contract, the sum of twenty-eight hundred and fifty-five dollars and to issue bonds of said township therefor; said bonds shall be designated as Luck Bridge bonds and shall bear interest at the rate of five per cent per annum and shall be due as follows: March first, nineteen hundred four, nine hundred fifty dollars, March first nineteen hundred five, nine hundred fifty dollars, March first, nineteen hundred six, nine hundred fifty-five dollars.

Rate of  
interest.

SEC. 3. When such bonds are issued the township board of the township of St. Clair shall thereafter annually levy a tax, in addition to all other township taxes on all taxable property in said township, sufficient in amount to meet the interest on said bonds promptly as the same mature and also maintain a sinking fund which shall be sufficient to liquidate said bonds at their maturity; such tax shall be collected at the same time and in the same manner in each year as other township taxes are collected.

Approved March 17, 1903.

## [No. 328.]

AN ACT to amend section two of act number two hundred eleven of the Local Acts of Michigan of eighteen hundred ninety-one, entitled "An act to incorporate the city of St. Louis in the county of Gratiot, and to repeal act number three hundred seventy-eight of the Local Acts of eighteen hundred eighty-seven," approved March fourth, eighteen hundred eighty-seven, as amended by act number three hundred sixteen of the Local Acts of eighteen hundred ninety-nine, and to add new territory.

*The People of the State of Michigan enact:*

SECTION 1. Section two of act number two hundred eleven of the Local Acts of eighteen hundred ninety-one, entitled "An act to incorporate the city of St. Louis, in the county of Gratiot, and to repeal act number three hundred seventy-eight of the Local Acts of eighteen hundred eighty-seven," as amended by act number three hundred sixteen of the local Acts of eighteen hundred ninety-nine, be and the same is amended so as to read as follows:

SEC. 2. The city shall be divided into four wards, respectively, designated and known as the first, second, third and fourth wards. The west half of the southwest quarter of the southeast quarter of section nineteen in township twelve north of range two west, in Gratiot county, Michigan, is hereby detached from said township and attached to and made a part of the city of St. Louis, and of the second ward. The first ward shall embrace all that portion of the city, lying north of the center line of Center street, and west of the center lines of Mill and Berea streets; the second ward shall embrace all that portion of the city, except the west half of block thirty-nine, lying east of the center lines of Mill and Berea streets, and north of the center line of Washington avenue, including the west half of the southwest quarter of the southeast quarter of section nineteen, township twelve north of range two west, in Gratiot county, Michigan; the third ward shall embrace all that portion of the city lying south of the center line of Washington avenue, and east of the center line of Mill street, and also the west half of block thirty-nine; the fourth ward shall embrace all that portion of the city lying south of the center line of Center street and west of the center line of Mill street.

This act is ordered to take immediate effect.

Approved March 17, 1903.

## [No. 329.]

AN ACT to detach certain territory from the township of Breitung, in the county of Dickinson, and attach the same to the city of Iron Mountain, in said county, and to the fifth ward of said city.

*The People of the State of Michigan enact:*

Territory added to city.

SECTION 1. The northwest quarter of the northwest quarter of section six, township thirty-nine north of range thirty west, in Dickinson county, is hereby detached from the township of Breitung, and attached to the city of Iron Mountain, in said county of Dickinson, and hereafter shall constitute a part of the fifth ward of said city.

Acts repealed.

SEC. 2. All acts and parts of acts contravening any of the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.  
Approved March 17, 1903.

## [No. 330.]

AN ACT to amend section four, act number three hundred sixty-one of the Local Acts of one thousand nine hundred one, approved March twenty-ninth, one thousand nine hundred one, entitled "An act to repeal act number two hundred ninety-one of the Local Acts of one thousand eight hundred ninety-one, entitled 'An act to incorporate the public schools of the township of Ossineke, Alpena county,' approved April twenty-first, one thousand eight hundred ninety-one; as amended by act four hundred thirteen of the Local Acts of one thousand eight hundred ninety-nine, approved May twenty-fifth, eighteen hundred ninety-nine, to provide for the disposition of property and the payment of the indebtedness of the corporation hereby dissolved, and to organize and form three separate school districts from the territory embraced within the said township of Ossineke, in the said county of Alpena."

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section four of act number three hundred sixty-one of the Local Acts of one thousand nine hundred one, approved March twenty-ninth, one thousand nine hundred one, entitled "An act to repeal act number two hundred ninety-one of the Local Acts of one thousand eight hundred ninety-one, entitled 'An act to incorporate the public schools of the township of Ossineke, Alpena county,' approved April twenty-first, one thousand eight hundred ninety-one; as amended by

act number four hundred thirteen of the Local Acts of one thousand eight hundred ninety-nine, approved May twenty-fifth, eighteen hundred ninety-nine, to provide for the disposition of the property and the payment of the indebtedness of the corporation hereby dissolved, and to organize and form three separate school districts from the territory embraced within the said township of Ossineke, in the said county of Alpena," is hereby amended so as to read as follows:

Sec. 4. All territory embraced in the said township of Ossineke, in the said county of Alpena, shall be organized and formed into three separate school districts, embracing the territory, and known by the names and styles hereinafter mentioned, viz.: Township divided into school districts.

First. All territory embraced in township twenty-nine north of range five east, and in sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one and thirty-two in township twenty-nine north, range six east, shall constitute school district number one of said township of Ossineke;

Second. All territory embraced in sections one, two, three, four, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-three, thirty-four, thirty-five and thirty-six in township twenty-nine north of range six east, shall constitute school district number two of said township of Ossineke;

Third. All territory embraced in township twenty-nine north, range seven east, shall constitute school district number three of said township of Ossineke.

This act is ordered to take immediate effect.

Approved March 17, 1903.

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[No. 331.]

AN ACT to provide that certain conveyances of lands in the village of Frederic, Michigan, and the records thereof, shall be received as evidence as conveying lands according to the recorded plat of the village of Fredericville and its additions.

*The People of the State of Michigan enact:*

SECTION 1. All deeds, mortgages, leases and other conveyances, and the records thereof, in the office of the register of deeds for the county of Crawford, in which the lands conveyed or affected are described as being in the village of Frederic, in McRae's addition to the village of Frederic, or in Dilley's addition to the village of Frederic, according to the recorded plats thereof, shall be received and considered by all courts Conveyances made legal.

**Proviso.**

as evidence of the same force and effect as if the word "Frederick," in the naming of the village plat in said deeds, mortgages, leases and conveyances, read "Fredericville." Provided, That whenever it be made to appear in any court that the parties to any conveyance, within the provisions of this act, did not intend to convey lands according to said recorded plats, then as to such conveyance this act shall not apply.

This act is ordered to take immediate effect.

Approved March 17, 1903.

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[No. 332.]

**AN ACT** to attach the territory embraced in road districts numbered two and three of the township of Portage, county of Houghton, and State of Michigan, to road district numbered one of said township of Portage, and to disorganize and discontinue said road districts numbered two and three and to embrace in said road district numbered one of said township of Portage, all the territory of said township of Portage, and to prohibit the highway commissioner of said township of Portage, and the highway commissioner and township board of said township of Portage vacating, altering, dividing or consolidating road districts in said township of Portage, and to provide for the election of one overseer of highways in said township of Portage, and to define the powers and duties of such overseer of highways.

*The People of the State of Michigan enact:*

**Road district No. 1.**

**SECTION 1.** All the territory comprising road districts numbered two and three of the township of Portage, county of Houghton, and State of Michigan, and all the remaining territory of said Portage township, not now included within the limits of said road district numbered one of said township of Portage, is hereby added and attached to road district numbered one of said township of Portage, and said road districts numbered two and three are hereby disorganized and discontinued.

**Districts not to be changed.**

**SEC. 2.** The highway commissioner of said township of Portage and the highway commissioner and the township board of said township of Portage shall be without authority to vacate, alter, divide or consolidate road districts in said Township of Portage.

**Election of highway officers.**

**SEC. 3.** There shall be elected in each year, in the manner provided by law for the electing of overseers of highways, one overseer of highways for road district numbered one of said township of Portage: Provided, however, That the present overseer of highways of road district numbered one of said township of Portage shall remain as the overseer of highways.

**Proviso.**

of road district numbered one of said township of Portage, during his present term of office and until his successor has been duly elected and qualified as herein provided.

SEC. 4. Said overseer of highways of said road district numbered one of the township of Portage shall have all the powers granted to, and perform all the duties required of, overseers of highways by the laws of the State of Michigan. Powers of  
voerseer.

This act is ordered to take immediate effect.

Approved March 17, 1903.

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[No. 333.]

AN ACT to provide for a uniform system of examination of teachers for the county of Presque Isle.

*The People of the State of Michigan enact:*

SECTION 1. It shall not be lawful for any school officer, Teachers to  
have certifi-  
cate. district board or board of education of any school district in the county of Presque Isle, organized under any special act of the legislature, to employ or contract with any person to teach in any of the public schools of said county who has not a certificate in force from proper legal authority and granted in pursuance of the general and public school laws of the State.

SEC. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved March 17, 1903.

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[No. 334.]

AN ACT to provide for two voting precincts in the township of Germfask, in the county of Schoolcraft.

*The People of the State of Michigan enact:*

SECTION 1. The township of Germfask, in the county of Schoolcraft, shall be divided into two voting precincts, as follows, viz: All of town forty-four north, range thirteen west, shall constitute voting precinct number one and all of town forty-three north, range thirteen west, shall constitute voting precinct number two. Township  
divided into  
voting  
precincts.  
Dist. No. 1.  
Dist. No. 2.

SEC. 2. The polling place for the electors resident and being in the territory above described as precinct number one shall be at such place as the township board of the township of Germfask, in the county of Schoolcraft, shall determine. Township  
board to de-  
termine  
Polling places.

Germfask shall determine, and the polling place for the electors resident and being in the territory known as precinct number two shall be at the building adjoining the store at Blaney.

**Who to be officers of election.**

SEC. 3. The present officers of the township of Germfask who are by law constituted the boards of registration and election shall be the first boards of registration and election for precinct number one of said township of Germfask. The board of registration for the first election to be held in precinct number two of said township of Germfask, shall be composed of Albert T. Ford, Samuel T. White, Frank M. Veneer and Robert Moore, and the first board of election in said precinct number two shall be Earl Ford, Frank E. McErlaine, James Cooper and William Hesselman.

**Township board to supply books, blanks, etc.**

SEC. 4. It shall be the duty of the township board of the township of Germfask to supply the necessary books for registration and election and the necessary blanks for the return thereof, to be used in precinct number two.

**Election, how conducted.**

SEC. 5. The conduct of the elections in the precincts herein provided for shall be conducted in accordance with the provisions of the general laws for the conduct of elections, and the canvass and return of votes shall be in accordance with the law governing the canvass and return of votes in townships having more than one precinct.

This act is ordered to take immediate effect.

Approved March 17, 1903.

[No. 335.]

**AN ACT to incorporate the village of Applegate, in the county of Sanilac.**

*The People of the State of Michigan enact:*

**Territory to contain.**

SECTION 1. The following described territory to wit: The south half of section twenty-five and the north half of section thirty-six, all in township eleven, north, range fifteen east, the same being in the organized township of Washington, in the county of Sanilac, be and the same is hereby constituted a village corporate to be known as the village of Applegate.

**First election.**

SEC. 2. The first election of officers in said village shall be held at the store of J. S. Sherman, in the said village of Applegate, on the second Monday in April, in the year nineteen hundred three, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices thereof in three public places, ten days before said election.

**Registration board.**

SEC. 3. Benjamin Bond, Ethan F. Ennest and Silas Mark are hereby constituted a board of registration for the said first

election of the village of Applegate, who shall meet at the ~~duties~~ store of J. S. Sherman in said village on the Saturday next preceding the day of said first election, for the purpose of registering the voters in said village and shall remain in session the same hours as are required by law for the boards of registration at general elections, and shall register the names of all persons residing in said village having the qualifications of voters at annual township meetings and who shall apply to said board to be registered. Due notice of such meeting for the purpose of registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said day of registration.

SEC. 4. The board of registration named and provided for in section three of this act shall also be the board of election commissioners for the said first election in the village of Applegate.

SEC. 5. William H. Ennest, Nelson Jeffrey and James Leslie shall constitute the board of inspectors of election for the above said first election for the village of Applegate, and shall perform the same duties and in the same manner as is provided by law for inspectors of elections for villages as set forth in the act under which the said village of Applegate is hereby incorporated.

SEC. 6. Said village of Applegate shall in all things not herein otherwise provided be governed by an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, eighteen hundred ninety-five, and the several acts amendatory and supplemental thereto.

SEC. 7. In case the said village election shall not be held at the time designated in section two of this act, an election of officers may be held at any time within one year from the time designated in said section two, due notice thereof being given as herein required.

This act is ordered to take immediate effect.

Approved March 17, 1903.

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[No. 336.]

AN ACT to divide the township of Crystal Falls, Iron county, Michigan, into two election districts, and to provide for conducting elections therein.

*The People of the State of Michigan enact:*

SECTION 1. That the township of Crystal Falls, Iron county, Michigan, shall be divided into two election districts, to be known and designated as election district number one, and election district number two, as follows:

**District No. 1.** All of the territory in said township, situate, lying and being west of the Paint River, in said township, shall constitute the election district to be known and designated as election district number one.

**District No. 2.** All of the territory in said township, situate, lying and being east of said Paint River, in said township, shall constitute the election district to be known and designated as election district number two.

**Law applicable to.** SEC. 2. All of the provisions of chapter ninety-five of the Compiled Laws of eighteen hundred ninety-seven, relative to the conduct of elections, the residence of electors qualified to vote in each district, the canvass of the vote in each district and the official canvass of the township, shall apply to said election districts in all elections hereafter held in said township.

This act is ordered to take immediate effect.

Approved March 19, 1903.

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[No. 337.]

AN ACT to authorize school district number two of the township of Duplain, Clinton county, Michigan, to borrow money and to issue bonds therefor for the construction of a new school building for said district, and the furnishing of the same.

*The People of the State of Michigan enact:*

**Bond issue by school district.** SECTION 1. School district number two of the township of Duplain in the county of Clinton, is hereby authorized to borrow on the faith and credit of said school district, the money so borrowed to be used in payment for the construction of a school building for said district, and the furnishing thereof: Provided, That a majority of the electors of said district, who are qualified to vote at the annual school meetings of said district, upon questions relating to the raising of money by said district and who are present and vote upon such proposition, at an annual meeting or at a special meeting for such purpose, shall vote therefor.

**Proviso.** SEC. 2. The district board of said district may submit the question of the making of such loan to the electors mentioned in section one of this act at any annual meeting of said district, or at a special meeting called for the purpose, and public notice thereof shall be given by said board by publishing the same in some newspaper printed in the county of Clinton and which circulates commonly in said district at least one week before the time of such meeting, and by causing copies of such notice to be posted in at least three public places in said district, not less than six days before the time of such meeting, which notice shall state that the electors will be called upon

**Question to be submitted to electors.**

**Notice of.**

at such meeting to vote upon the making of such loan; and the said district board is hereby authorized to call a special meeting of such electors, at any time in its discretion for the above named purpose and by the giving of the notice aforesaid.

SEC. 3. At such annual meeting or at the special meeting provided for in section two, the moderator, director and assessor of said school district shall constitute a board of inspection, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open three hours after the time fixed for the meeting in the notice thereof.

The votes shall be by ballot, either printed or written, or partly printed and partly written, and such ballots shall be in the following form, namely, "For the Loan" or "Against the Loan," and shall be deposited in a ballot box provided for that purpose. At the closing of the polls the said inspectors shall canvass the vote cast upon said proposition and shall publicly declare the result and record the same in the school district records.

SEC. 4. If at such meeting a majority of such qualified electors present thereat and voting upon such proposition, when district board may borrow money. shall vote in favor of such loan, the district board of said district shall thereupon be authorized to borrow not to exceed the sum of fifteen thousand dollars and to issue the bonds of the district therefor in denominations not exceeding one thousand dollars each, and at a rate of interest not exceeding five per cent and for a period not exceeding twenty years, which bonds shall be executed in such proper form and by such officers and in such manner as the said board shall direct.

SEC. 5. If said loan is made under the provisions of this act, the district board of said district is hereby authorized to raise by tax in each year thereafter, in addition to all other school taxes, a sum sufficient to provide for the interest of said bonds and to provide for a sinking fund for the payment of the principal thereof at maturity, said tax to be levied, assessed and collected as other taxes are levied and collected.

This act is ordered to take immediate effect.

Approved March 19, 1903.

[No. 338.]

AN ACT to authorize the township of Sugar Island, in the county of Chippewa, to borrow money to be used in purchasing or constructing boats for and maintaining and operating a free ferry across the water separating said township from the city of Sault Ste. Marie, in said county, and building and constructing the necessary docks and approaches to be used in connection therewith, and to issue bonds therefor.

*The People of the State of Michigan enact:*

Bond issue by township.

SECTION 1. The township of Sugar Island, by its board, in the county of Chippewa, is hereby authorized and empowered to borrow on the faith and credit of said township not to exceed the sum of ten thousand dollars and to execute coupon bonds therefor with which to purchase or construct boats for and maintaining and operating a free ferry across the water separating said township of Sugar Island from the city of Sault Ste. Marie, in said county, and to build and construct the necessary docks and approaches to be used in connection therewith.

Township board to regulate bonds.

SEC. 2. The township board of said township shall have the power to and it shall be their duty to fix the time of payment of such bonds, the same not exceeding the period of fifteen years from the date thereof, and the place of payment and to fix the rate of interest to be borne by said bonds, not exceeding six per cent per annum, payable annually; and such bonds shall be signed by the supervisor of said township and countersigned by the township clerk and shall be negotiated by the township board of said township; and the date of the sale thereof shall be endorsed upon each of said bonds and signed by said treasurer. The money received from such bonds and all other moneys received to aid in the purchasing or constructing of boats, docks and approaches, for maintaining and operating such free ferry shall be paid into the township treasury subject to and to be paid out on the order of the supervisor, township clerk and highway commissioner, or any two of them as provided in this act. The township clerk shall enter upon the book of township records a full description of such bonds giving their date, number, amount, rate of interest, when payable and when delivered to the township treasurer to be negotiated and shall charge the said treasurer with the amount thereof. Said bonds shall in no case be disposed of for less than their par value.

How signed.

Money, how used.

Question to be submitted to electors.

SEC. 3. The bonds aforesaid shall not be issued, nor said boats purchased or constructed, nor said docks and approaches built or constructed, nor said ferry maintained and operated, unless a majority of the electors of said township voting thereon shall vote therefor at a general township meeting or a special township meeting to be held in said township

as provided in this section. It shall be the duty of the township clerk of said township to give notice of any special election of the said electors to vote upon said question, by posting written or printed notices of such meeting in three public places in each of the voting precincts of said township at least ten days before the time fixed for such election, stating the time and place when and where the same will be held, and the purposes for which said election will be held, and in case said board determine to hold the election upon said question of issuing said bonds at the same time as a general township election shall be held, like notices shall be given as hereinbefore described, and the failure of the electors to carry said proposition for the purposes aforesaid, either at a general or special election of said township, shall not be a bar to further elections for the purpose hereunder. The inspectors of election of said township shall be the inspectors at such special or general election and the votes shall be by ballot inscribed, "For the Free Ferry Loan—Yes [ ]," and "For the Free Ferry Loan—No [ ]," and such ballots shall be either written or printed or partly written or partly printed, and it shall be the duty of the township clerk and inspectors of election to provide at the polls of any such election during the whole time while the same shall be open, a sufficient number of said ballots both for and against such proposition as shall be necessary to supply all the electors desiring to vote thereon, and such inspectors shall conduct said election and canvass such votes as in other township elections, and make duplicate certificates of the votes as in other township elections, and make duplicate certificates of the result of such votes signed by them or a majority of them, one of which shall be deposited with the township clerk and by him recorded and the other with the clerk of Chippewa county.

SEC. 4. The supervisor, clerk and commissioner of highways of said township, for the time being shall be special commissioners to have charge of the building and constructing of said docks and approaches and purchasing or constructing said boats for and the maintaining and operating of the same as a free ferry across the water separating said township from the city of Sault Ste. Marie in said county and the proper action of any two of them shall be legal and binding. It shall be their duty, as soon as practicable after the electors shall have voted to bond said township as above provided, to cause plans and specifications for such boats to be made and filed with the clerk of such township and to advertise in some newspaper, printed in said county, for sealed proposals for the building and constructing of said docks and approaches and the construction or the purchase of such boats and to contract therefor with the lowest responsible bidders; and in case a construction of said boats shall be deemed desirable, shall give to said township bonds for the performance of the contract satisfactory to said special commissioners: Provided, *Proviso.* The aggregate of such lowest bid does not exceed the amount

*Notice of election.*

*Form of ballot.*

*Election, how conducted.*

*Who to have charge of building.*

*Duty of commissioners.*

that may be lawfully applied to the building and constructing of such docks and approaches and boats or purchase of such boats for said free ferry.

Commissioners to make contracts.

SEC. 5. Said special commissioners, or any two of them, may, and it shall be their duty in behalf of said township, to enter into all necessary contracts in the premises, and they are hereby authorized to draw their orders upon said treasurer to pay for such work and material in case of construction, or for the purchase of said boats, as the case may be, as the same shall become due and payable according to the terms of such contracts.

Tax for bonds, how assessed, etc.

SEC. 6. In case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also any installments of the principal thereof falling due in such year, and said taxes may be entered in a separate column on the assessment and tax rolls of said township under the name of "Free Ferry Tax," and the said interest shall be paid by said treasurer after the same shall become due, on presentation to him of the proper coupons or bonds, and if in any year there shall not be a sufficient amount collected by said treasurer from the levy of said "Free Ferry Tax" for such year to pay the installments of principal and interest due in that year, the said treasurer may supply the deficiency and pay the same from any moneys in his hands belonging to the general highway or free ferry funds of said township.

Free ferry, how controlled.

SEC. 7. When said "Free Ferry" shall be completed and in operation it shall be controlled, managed and kept in repair by the township of Sugar Island, the expenses thereof, (except as otherwise provided by law) to be paid from the general highway funds of said township.

This act is ordered to take immediate effect.

Approved March 19, 1903.

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[No. 339.]

AN ACT to divide the township of Woodstock, in the county of Lenawee, into two election districts.

*The People of the State of Michigan enact:*

Election districts.

SECTION 1. The township of Woodstock, in the county of Lenawee, is hereby divided into two election districts as follows: District number one shall consist of sections thirteen to thirty-six, inclusive, of the said township of Woodstock;

and district number two shall consist of sections one to twelve, inclusive, of the said township of Woodstock.

SEC. 2. The first election to be held on the first Monday in April, nineteen hundred three, in said district number one, shall be held at the place where the town meetings and elections in said township heretofore have been held; and said election to be held in district number two at some convenient and appropriate place at Cement City, in said township of Woodstock.

SEC. 3. Said election districts shall be subject to all the provisions of chapter ninety-five of the compiled laws of eighteen hundred ninety-seven, except the first section thereof, and all elections therein shall be conducted in the manner and by the officers prescribed by said chapter, and the votes cast thereat shall be canvassed in accordance with the requirements of said chapter.

This act is ordered to take immediate effect.

Approved March 19, 1903.

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[No. 340.]

AN ACT to provide for the construction and maintenance of a public bridge across Grand River between the township of Walker and the township of Grand Rapids in Kent county, at or near the location of the bridge there situate of the Canal street gravel road so-called, and for the raising of funds to defray the cost and expense thereof and the maintenance thereof.

*The People of the State of Michigan enact:*

SECTION 1. The county of Kent is hereby authorized to construct bridge. and shall construct a public bridge across the Grand river between the township of Walker and the township of Grand Rapids at a point where the Canal street gravel road so-called crosses said river, at a cost of not more than thirty thousand dollars: Provided, That a majority of the qualified electors of said county voting on the question as hereinafter provided, shall so determine, and not otherwise.

SEC. 2. The question of raising the money to build said bridge shall be submitted to the qualified electors of the county of Kent, at the regular spring election held therein in the year nineteen hundred three, and the vote upon the question shall be by ballot. The electors voting in favor of the county of Kent raising the necessary money to build said bridge shall have written or printed upon their ballots, the words, "Shall the county of Kent raise the money to build a bridge across Grand river between the township of Walker and the township of Grand Rapids, where the Canal street

Question to be submitted to electors.

Form of ballot.

gravel road so-called crosses said river—Yes.” The electors voting against the county of Kent raising the necessary money to build said bridge, shall have written or printed upon their ballots, the words, “Shall the county of Kent raise money to build a bridge across Grand river between the township of Walker and the township of Grand Rapids where the Canal street gravel road so-called crosses said river—No.”

**When supervisors to build bridge.**

SEC. 3. A majority of the qualified electors of said county voting in their respective townships in said county and in the respective wards of the city of Grand Rapids in said county, voting on said question, shall authorize the assessing and collecting of the amount necessary to build said bridge, and the board of supervisors of said county shall cause the said bridge to be constructed, the cost not to exceed the amount of thirty thousand dollars.

**Cost, how and when assessed.**

SEC. 4. One-third of the cost of said bridge and the construction thereof shall be assessed on the taxable property of the several townships in the said county of Kent and the several wards of the city of Grand Rapids in said county, according to their assessed valuation in the year nineteen hundred three, and one-third thereof in the year nineteen hundred four, and one-third thereof in the year nineteen hundred five, and the same shall be collected in the same manner as other county taxes and shall be paid by the respective township treasurers and the treasurer of the city of Grand Rapids, into the hands of the county treasurer of said county, who shall hold the same as a separate fund and pay out the same only on orders which shall have been presented and allowed by said board of supervisors, or on the order of a duly authorized committee of and in behalf of said board of supervisors, for the purpose of constructing said bridge and for paying indebtedness incurred on account of such construction, and for no other purpose.

**Supervisors to appoint bridge committee.**

SEC. 5. It shall be lawful for said board of supervisors to appoint a committee of its own members not to exceed five in number, which committee may consist of the regular committee on roads and bridges, to have charge and supervision of the construction of said bridge on behalf of said board of supervisors, each member of which committee to receive for time actually expended thereon, the sum of three dollars per day, same to be presented to and allowed by said board of supervisors.

**Bridge, how maintained.**

SEC. 6. Such bridge, when constructed, shall be maintained by the city of Grand Rapids, and each of the several townships of Grand Rapids and Walker in said county shall pay annually and on or before the thirty-first day of December in each year to the city treasurer of the city of Grand Rapids such a proportion of the expense of maintenance of such bridge as the assessed valuation of each of such townships bears to the total assessed valuation of the city of Grand Rapids and both of such townships: Provided, That the common council of the said city of Grand Rapids and the

**Proviso.**

township boards of the said townships of Grand Rapids and Walker, shall, by resolution adopted prior to the building of such bridge, agree to maintain the same.

This act is ordered to take immediate effect.

Approved March 19, 1903.

[No. 341.]

AN ACT to empower the township board of the township of Carrollton, Saginaw county, to cause sidewalks to be repaired, constructed and reconstructed along the streets and highways in said township, and authorizing the expense thereof to be assessed upon the lots, blocks and parcels of land in front of which the same may be repaired, constructed or reconstructed, and providing a fund to pay therefor, in anticipation of the collection of such special assessments.

*The People of the State of Michigan enact:*

SECTION 1. The repair, construction and reconstruction of all sidewalks within the township of Carrollton, Saginaw county, shall be done under the direction of the township board thereof. Township board to have control of sidewalks.

SEC. 2. Whenever the said township board shall deem the repair, construction or reconstruction of any sidewalk, on a street or highway, within said township, a necessary public improvement, it shall so declare by resolution, and if the same is to be constructed or reconstructed, they shall specify the width thereof and the material to be used therefor, and describe the property, by lots, blocks or parcels of land, in front of which the same is to be repaired, constructed or reconstructed, and order the same to be so constructed, repaired or reconstructed. Construction, repairs, etc.

SEC. 3. It shall be the duty of the highway commissioner of said township, as soon as practicable thereafter, to cause notice of such resolution to be served on the owners, occupants or agents of the lot, block or parcel of land in front of which said sidewalk is to be repaired, constructed or reconstructed, requiring such owner to repair, construct or reconstruct (as the case may be), such sidewalk as contemplated by such resolution, within ten days from the date of service on such owner, agent or occupant, of such notice, and that in default thereof such sidewalk will be repaired, constructed or reconstructed (as the case may be) by the township, and the expense thereof will be assessed against the lot, block or parcel of land in front of which said sidewalk is to be repaired, constructed or reconstructed. It shall be the duty of the owner of such lot, block or parcel of land to repair, Who to serve notice of resolution to construct, etc. When expense of assessed against property.

construct or reconstruct such sidewalk within the time prescribed.

**How service  
of notice may  
be made.**

SEC. 4. Service of such notice for the repair, construction or reconstruction of sidewalks shall be made as follows: By handing the same personally to a resident owner of the premises, if known, or by leaving the same at his residence, office or place of business, in said township, with some person of suitable age and discretion. If the owner be a non-resident of said township, by leaving the same with the resident agent of said owner, if he have one, at his residence, office or place of business, with some person of suitable age and discretion; if the resident owner of such premises or the agent of a non-resident owner be absent from the township, and if no person of suitable age and discretion be found at his residence or place of business, said notice may be served by mailing the same by registered letter to such owner at his last known place of address. If such non-resident owner shall have no known agent then in said township, or if the owner be unknown, service shall be made by posting such notice in some conspicuous place on the township hall of said township, ten days prior to the time limited for the repair, construction or reconstruction of such sidewalk, or by mailing the same as above provided, to such non-resident owner, if known. It shall be the duty of said highway commissioner to make proof by affidavit of the time and manner of the service of said notice, and file the same with the township clerk, who shall preserve the same with the other files and records of his office. Any person who has control of said premises may be treated as the owner thereof.

**Proof of  
service.**

**When high-  
way commis-  
sioner may  
construct  
walk.**

SEC. 5. At the expiration of ten days after the service of the notice provided for in section four of this act, if the said resolution of said township board for the repair, construction or reconstruction of any such sidewalk shall not have been complied with, the highway commissioner of said township shall proceed, without unnecessary delay, to repair, construct or reconstruct such sidewalk in accordance with said resolution and notice.

**To keep ac-  
count of cost.**

SEC. 6. Said highway commissioner shall keep an accurate account of all materials used and labor performed, and the subdrainage, if any, in the repair, construction or reconstruction of such walk, and of the service of notice provided for in section four aforesaid, and the price thereof, and it shall be the duty of said officer, once in each month, or as often as required by said board, to report to it the cost of the repair, construction or reconstruction of such sidewalks in front of or adjacent to each lot, block or parcel of land where the same has been ordered constructed as aforesaid.

**When super-  
visor to make  
special  
assessment.**

SEC. 7. When such a statement of cost is approved by the said board, the supervisor of said township shall make a special assessment roll assessing the cost and expense of the repair, construction or reconstruction of such sidewalk upon the land of the owner or occupant in front of which said side-

walk is so repaired, constructed or reconstructed, reciting in the heading of said assessment the improvement, and in the body of said assessment roll shall be entered the description of the property assessed, the amount in dollars and cents assessed thereon, and the name of the supposed owner thereof, when known: Provided, In all cases where the owner thereof is unknown to the supervisor, in lieu of the name of the owner, the words "non-resident" may be used; but no omission or misstatement of the owner's name shall invalidate the assessment on any parcel of land for such improvement. The said supervisor shall certify upon such roll that he has made such assessment, upon the property described, in accordance with the resolution and order of the township board relating thereto, and that the said roll contains the just and true assessment of the cost of such improvement.

SEC. 8. As soon as said roll is completed and certified to, it shall be filed with the township clerk, who shall number it as "Special Roll Number.... for the year 19..," and endorse the date of filing thereon, and report the same to the township board without unnecessary delay.

SEC. 9. Upon receiving notice of the completion and filing of any such special assessment roll, the township board shall cause notice to be given to all parties interested therein, reciting the names and descriptions of land on said roll, by posting the same in three public places in said township, at least ten days prior to the day of hearing, and shall appoint a time therein when it will review said assessment, and hear objections to and appeals therefrom: Provided, That said board may give notice of the review of several of said special assessments and rolls for the same time, and the notice so posted, as aforesaid, may embrace all of them.

Proof of the date and place of posting such notice may be made by affidavit of the person posting the same, and filed with the township clerk.

SEC. 10. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the township board shall hear the allegations and proofs of all persons who may complain of any such assessment, and may rectify and amend the said assessment in whole or in part, or may set the same aside and direct the supervisor to make a new assessment thereof; or the said township board may ratify and confirm said assessment without any corrections, or with such corrections therein as it may deem proper. And the said board may confirm and approve all or any number of said special assessment rolls in one resolution, unless some member objects, and in case of such objection being made, the several rolls so objected to shall be acted upon separately. Every assessment roll so ratified and confirmed shall be final and conclusive.

SEC. 11. It shall be the duty of the township clerk, on or before the first day of October in each year, to deliver to the supervisor.

Assessments,  
how placed  
on rolls.

General law  
to apply.

Assessment  
to be lien.

Highway com-  
missioner to  
make esti-  
mate of  
amount  
needed.

Township  
meeting may  
vote on.

When board  
may vote  
necessary  
amount.

supervisor all such special assessment rolls, as remain in his office, together with the statements provided for in paragraph thirty-eight hundred fifty-nine of the Compiled Laws of eighteen hundred ninety-seven. And it shall be the duty of said supervisor to place the several sums assessed on each of said special rolls in the next annual assessment and tax roll of said township in a column to be designated "Sidewalk Special," upon and opposite the description of property described in said special assessment roll. All proceedings for the levy and assessment of said taxes shall be presumed to be regular and valid. All provisions of law respecting the return and sale of property for non-payment of taxes for State, county and township taxes shall apply to the return and sale of property for non-payment of such special assessment, and taxes provided for in this act, including all taxes carried into said township tax roll from any special assessment roll. The amounts placed in any such special assessment roll, as aforesaid, shall be a charge against the owner designated, and a lien upon the land described in said roll from the date of filing said roll with the township clerk. In case such special assessment shall be set aside by any court for any reason not affecting the jurisdiction of the authorities of said township to levy the same, the said township board may direct the same to be re-assessed upon the same descriptions of land, and the lien on said premises for such special assessment shall not be lost by reason of the vacating of said roll by said township board, or because the same is set aside by any court.

SEC. 12. The highway commissioner of said township shall, prior to the annual township meeting in each year, make a careful examination of the sidewalks in said township and estimate the amount of money which it will be necessary to expend in the repair, construction and reconstruction of the sidewalks in said township, during the ensuing fiscal year, under the provisions of this act, and he shall also estimate the amount which will be received from special sidewalk assessments during said year. And he shall embrace such estimate and statement in the account in writing, which he is required to render to the township board under paragraph four thousand seven hundred ninety-three of the Compiled Laws of one thousand eight hundred ninety-seven. The annual township meeting may determine, in the manner provided for voting other taxes, under paragraph four thousand seventy-four of the Compiled Laws of one thousand eight hundred ninety-seven, the amount of taxes to be raised in said township the ensuing year, to pay for the repair, construction and reconstruction of sidewalks, under this act, in anticipation of the sums collected from the special assessments herein provided for.

SEC. 13. Whenever the qualified electors present at any annual township meeting shall refuse or neglect to vote such sum of money as may be necessary to pay for the repair, construction and reconstruction of sidewalks, under the provisions of this act, in anticipation of the collection of special

assessment therefor, the township board is hereby authorized to vote such sum or sums as may be necessary for that purpose not exceeding in any one year the sum of five hundred dollars.

SEC. 14. It shall be the duty of the supervisor of said town-  
ship to spread the tax in the last paragraph provided for, on  
the next annual assessment and tax roll of said township, in  
the same manner and with like force and effect as other taxes  
that are raised in said township. Said tax shall be placed in <sup>When supervisor to spread tax.</sup>  
a separate column on said roll, headed "Sidewalk Fund" and <sup>How placed on roll.</sup>  
shall be collected by the township treasurer in the same man-  
ner as other taxes on said roll, and may be returned and en-  
forced in the same way. When collected, said tax shall be <sup>Tax, to whom paid.</sup>  
placed by the township treasurer in a fund to be known as  
the sidewalk fund. No money shall be paid out of said fund,  
by said treasurer, except upon orders for the repair, con-  
struction and reconstruction of sidewalks in said township, in  
conformity with the provisions of this act. All sums collected  
for special sidewalk assessments, as herein provided, shall,  
when they come into the hands of said treasurer, be placed in  
the same fund.

SEC. 15. Whenever any sidewalk or sidewalks have been  
repaired, constructed or reconstructed, by the said highway  
commissioner, as aforesaid, and the expense thereof has been  
reported to and approved and audited by the township board,  
as in this act provided, the township clerk shall draw an order  
or orders on the township treasurer therefor, which shall be  
countersigned by the supervisor and payable out of any money  
in said sidewalk fund.

This act is ordered to take immediate effect.

Approved March 24, 1903.

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[No. 342.]

AN ACT to establish a township road system in the township of Farmington, county of Oakland, and to provide for the raising of funds therefor, and the appointment and election of four township overseers of highways, and to prescribe their powers and duties.

*The People of the State of Michigan enact:*

SECTION 1. That the township board of the township of Farmington, Oakland county, is hereby authorized to submit <sup>Board to submit question to electors.</sup>  
by resolution adopted by a majority vote of the members of <sup>Elect. when held.</sup>  
said board to the qualified electors of said township, the ques-  
tion of adopting a township road system. Such vote may be taken at the election to be held on the first Monday in April, nineteen hundred three, or at any subsequent spring election,

**Proviso.** or any special election called for that purpose: Provided, That at least ten days shall intervene between the adoption of the resolution by said township board and the time of holding such election. After the adoption of the resolution by the township board, the township clerk shall give notice thereof. Such notice shall be addressed to the electors of the township, and shall set forth the action of the township board, together with a copy of the resolutions, which notice shall be printed and posted in six or more public places in the township, at least seven days before the time of such election. Proof of the posting of said notice may be made by affidavit by any person or persons knowing the facts, which affidavit shall be filed in the office of the township clerk and recorded in the proceedings of the township board. Such affidavit, or the record thereof, shall be prima facie evidence of the facts stated therein.

**Clerk to give notice of adoption.**

**When act to become operative.** SEC. 2. If, upon the canvass of the votes cast at such election, it shall appear that a majority voting thereon is in favor of the adoption thereof, then the township road system, as hereinafter set forth, shall be considered as adopted in said township, and thereupon, the provisions of this act and all other acts relative to such system shall become operative in said township.

**Ballots, how prepared.** SEC. 3. The manner of preparing and distributing the ballots at any election held under this act and the manner of conducting, canvassing, returning and declaring the result, shall be the same as is now prescribed by law for other township elections of a similar nature, except as herein provided. The ballots for the submission of this proposition shall have printed thereon, in addition to the usual form and instructions, the words:

"For township road system, Yes," and  
"For township road system, No."

**Township divided into districts.** SEC. 4. Upon the adoption of said township road system, as hereinbefore provided, it shall be the duty of the township board of said township to divide said township into four highway districts, to be designated as districts number one, two, three and four, for each of which there shall be elected annually one overseer of highways, by ballot, in the same manner as other township officers are elected: Provided, That the township board is hereby authorized to appoint four overseers for said districts for the year nineteen hundred three, or for any year in which the township road system, as above provided, shall be adopted in said township, which overseers shall hold their offices until the next spring election, or until their successors shall have been elected and qualified. It shall be the duty of said overseers to supervise the construction, care and improvement of all highways and bridges within their respective districts at such time and in such manner as may be prescribed by the township board of said township, under the provisions of this act. The said overseers of highways shall also, in their respective districts, perform such other

**Proviso as to overseers.**

**Duties.**

duties as are now performed by highway commissioners and overseers of highways under the general highway law, except as otherwise herein provided. All bills, claims and accounts of said overseers of highways shall be reported to and audited and paid by the township board of said township of Farmington, in the same manner as other bills, claims and accounts against said township are audited and paid. The said overseers of highways shall receive for their respective services such compensation as the township board of said township shall determine.

SEC. 5. Any person appointed or elected overseer of highways, under the provisions of this act, shall, within ten days after being so notified in writing by the clerk of said township, take and subscribe the constitutional oath of office and file the same with said clerk and shall execute and give such official bond as the township board may determine.

SEC. 6. In case a vacancy shall occur in the office of township overseer of highways in any district, the township board may appoint an overseer to fill such vacancy, who shall hold office until his successor shall have been elected and qualified.

SEC. 7. The township board shall each year determine the amount of tax to be raised in said township for the purpose of building and maintaining the roads and bridges within said township, which tax shall not exceed one-fifth per cent of the assessed valuation of the township for the preceding year, and said board shall cause such determination to be entered upon its records: Provided, That the township board may, by a majority vote of its members, for the purpose of carrying out the provisions of this act, and after said tax shall have been determined, borrow an amount not to exceed three-fourths of the amount of said tax. The township board shall prescribe the time, manner and place in which any or all the various highways and bridges in the township of Farmington shall be constructed, repaired, or improved by the overseers of highways in their respective districts, and shall apply the moneys herein provided to be raised for that purpose in payment of bills, claims and accounts for the same, as hereinbefore directed, and shall prescribe the compensation which the said overseers of highways shall receive, which compensation shall also be paid from the moneys herein provided to be raised for highway purposes.

SEC. 8. In case said township of Farmington shall adopt the provisions of this act and shall raise money and build roads in good faith, it shall not be liable for any tax for a county road system should the county in which such system is situated afterwards adopt the county road system.

SEC. 9. The highway commissioner shall have charge of the division of all roads on township lines, as prescribed by the general highway law.

SEC. 10. All obligations of road districts now existing in the township of Farmington shall be assumed by said town-

*Claims, etc.,  
how audited.*

*Overseers to  
take oath of  
office.*

*Vacancy, how  
filled.*

*Board to de-  
termine the  
amount of tax  
to be raised.*

*Proviso.*

*Board to pre-  
scribe im-  
provements.*

*When town-  
ship not liable  
to certain tax.*

*Commission-  
ers to have  
charge of  
certain roads.*

*Obligations of  
road districts  
assumed by  
township.*

ship, and all property now vested in said road districts shall revert to said township.

**When certain votes considered void.** SEC. 11. All votes for any highway labor tax, voted by the electors of the township of Farmington at any election at which the township road system, as herein provided, shall be adopted, shall be rendered void by such adoption, and the duties of any or all overseers of highways elected for the present highway districts of said township, at any such election shall, in like manner, be abolished by said adoption.

**Certain acts inoperative.** SEC. 12. All acts or parts of acts contravening the provisions of this act are hereby declared inoperative in said township of Farmington.

This act is ordered to take immediate effect.

Approved March 24, 1903.

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[No. 343.]

**AN ACT** to authorize the board of supervisors of the county of Mason to levy a tax of not to exceed three mills on the dollar on the taxable property of said county, for the purpose of constructing a system of county roads.

*The People of the State of Michigan enact:*

**Tax for road system.** SECTION 1. The board of supervisors of the county of Mason may levy a tax of not to exceed three mills on the dollar (inclusive of the amount now authorized by general law) on the taxable property of said county, for the purpose of constructing a system of county roads.

**Money, how used.** SEC. 2. The money raised by this tax shall be collected and paid out in accordance with the general provisions of law relating to county road tax.

This act is ordered to take immediate effect.

Approved March 24, 1903.

[No. 344.]

AN ACT to amend sections four and nine of title five, of "An act to revise and amend the charter of the city of Saginaw, as existing under an act, entitled 'An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw and for the ownership of all their corporate property and rights, to define the corporate rights, powers and privileges of said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith, being act number four hundred sixty-five of local acts of eighteen hundred ninety-seven, and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith.'

*The People of the State of Michigan enact:*

SECTION 1. Sections four and nine of title five of an act, entitled "An act to revise and amend the charter of the city of Saginaw, as existing under an act, entitled 'An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw and to consolidate the city of East Saginaw with Saginaw under the name of the city of Saginaw, to specify and fix the boundaries of the consolidated city, to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw and for the ownership of all their corporate property and rights, to define the corporate rights, powers and privileges of said city of Saginaw as so consolidated and to repeal all acts inconsistent herewith, being act number four hundred sixty-five of Local Acts of eighteen hundred ninety-seven and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith,'" is hereby amended to read as follows:

Sections  
amended.

## TITLE V.

SEC. 4. The common council after revising, altering and approving the estimates submitted to it by the controller, as provided by section four, title four, shall, on or before the first Monday in May, transmit the same, together with an estimate, of any other taxes approved by it to be raised for the ensuing year for the approval of the board of estimates as provided in this charter, and all propositions and resolutions for the borrowing of any money on the credit of the city or issuing any bonds shall also in like manner be submitted to the board of

Council to  
submit esti-  
mates.

**To determine amount of city tax.** estimates, except as herein otherwise provided. It shall be the duty of the common council, on or before the third Monday of May of each year, to determine by resolution the amount necessary to be raised by tax for the city purposes within said city for such year, which amount shall not for any purpose exceed the amount therefor approved by the board of estimates, except as in this charter otherwise provided; and the common council shall also at the same time determine and enter upon a record of its proceedings, the proportion on a percentage basis which each of the city funds, except school funds, shall bear to the total of such tax for all city purposes, except school purposes, and when any such city tax is collected as provided in the charter of said city, same shall be apportioned to the several funds in accordance with such determination as herein above provided, and it shall be the duty of the city clerk to certify the amount so to be raised to the assessor who shall assess the sum so certified and such other taxes as may be required by law upon the taxable property of said city.

**Board of review to approve assessment roll.**

SEC. 9. When the board shall have completed their review of said assessment roll, a majority of said board shall endorse upon each book thereof and sign a statement to the effect that the same is the assessment roll for the ward for which it is made, as approved by the board of review. Said assessment roll so approved and certified shall thereupon be delivered to the assessor of said city. And the assessor shall on the third Monday in May submit the said assessment roll so corrected and certified to the common council of said city; and the common council shall at the same time or an adjourned session, proceed to consider the special appeal, if any, taken from the action of the board of assessment and review, and decide the same in a summary manner, correcting any errors that they may discover in the assessment, and on or before the fourth Monday in May, fully and finally confirm said assessment roll, and thereupon cause it with the record of

**Who to assess taxes.**

their action thereon, to be returned to the city assessor. The city assessor shall thereupon proceed to ratably assess thereon in dollars and cents the amount of all taxes and assessments authorized to be assessed and collected in said city to each person named or lot described upon said assessment roll, showing in separate column the city taxes, school tax and assessments, assessed to each person or lot, and when said roll has been completed, footed and balanced, the assessor shall on or before the last Monday in June make a copy of said assessment roll as completed. The same to be divided into separate books one for each ward which shall be known as the city tax roll, and the city assessor shall deliver the said tax roll to the controller, who shall make entry of the same and of the totals of all taxes assessed thereon on the books of said office and the said controller shall on or before the first Monday in July, deposit said tax roll with the city treasurer and take his receipt therefor and charge him therewith.

**Who to keep record of.**

This act is ordered to take immediate effect.  
Approved March 24, 1903.

## [No. 345.]

**AN ACT** to provide for the construction of a bridge across the Raisin River in Deerfield township, Lenawee county, Michigan, and authorizing the issuance of bonds therefor.

*The People of the State of Michigan enact:*

**SECTION 1.** It shall be the duty of the township board of Deerfield township, Lenawee county, Michigan, to issue the bonds of said township in not to exceed the sum of seven thousand dollars at a rate of interest not to exceed five per cent per annum; said bonds and interest to be payable in not to exceed ten years from date thereof.

**Sec. 2.** The township board of Deerfield shall sell and dispose of said bonds for the highest price attainable, and not to be sold for less than their face value. The proceeds from the sale of said bonds shall be used only for the construction of a steel or iron bridge across the Raisin River in the village of Deerfield, in said township of Deerfield.

**Sec. 3.** It shall be the duty of the supervisor of the township of Deerfield to assess upon all the taxable property of said township annually a sufficient amount to pay said bonds, and the interest thereon, as the same shall become due.

This act is ordered to take immediate effect.

Approved March 24, 1903.

Bond issue by township.  
How disposed of.

Proceeds, how used.

Supervisor to assess tax for.

## [No. 346.]

**AN ACT** to amend sections one, two, three, four and five of chapter two, chapter three by adding a new section thereto to stand as section seven, sections three, seven and twelve of chapter four, and section eight of chapter four by substituting therefor sections eight a, eight b, eight c, eight d, eight e, eight f, eight g and eight h of act number two hundred fifty-one of the Local Acts of eighteen hundred ninety-one, entitled "An act to revise and amend the charter of the city of Ishpeming," approved March twenty-seventh, eighteen hundred ninety-one, as amended by act number three hundred seventeen of the Local Acts of eighteen hundred ninety-three, approved March twenty-fifth, eighteen hundred ninety-three, act number four hundred seventeen of the local acts of eighteen hundred ninety-seven, approved April twenty-eighth, eighteen hundred ninety-seven, and act number three hundred fifty-six of the local acts of nineteen hundred one, approved March twenty-eighth, nineteen hundred one, and to repeal all acts or parts of acts inconsistent therewith.

*The People of the State of Michigan enact:*

**SECTION 1.** Sections one, two, three, four and five of chapter two, chapter three by adding a new section thereto to stand as section seven, sections three, seven and twelve of chapter four, approved March twenty-eighth, eighteen hundred ninety-seven, and act number three hundred fifty-six of the local acts of nineteen hundred one, and to repeal all acts or parts of acts inconsistent therewith.

Sections amended.

as section seven, sections three, seven and twelve of chapter four, and section eight of chapter four by substituting therefor sections eight a, eight b, eight c, eight d, eight e, eight f, eight g and eight h of act number two hundred fifty-one of the Local Acts of eighteen hundred ninety-one, entitled "An act to revise and amend the charter of the city of Ishpeming," approved March twenty-seventh, eighteen hundred ninety-one, as amended by act number three hundred seventeen of the Local Acts of eighteen hundred ninety-three, approved March twenty-fifth, eighteen hundred ninety-three, act number four hundred seventeen of the Local Acts of eighteen hundred ninety-seven, approved April twenty-eighth, eighteen hundred ninety-seven, and act number three hundred fifty-six of the local acts of nineteen hundred one, approved March twenty-eighth, nineteen hundred one, are hereby amended so as to read as follows:

## CHAPTER II.

**Elective officers.**

SECTION 1. The following officers shall be elected from among the electors of said city, viz.: a mayor, a recorder, & treasurer, a justice of the peace, two school inspectors, and in each of the several wards from among the electors in said wards a supervisor, two aldermen and one constable.

**Appointive officers.**

SEC. 2. The following officers shall be appointed by the common council on or before the first Monday in May, viz.: an assessor, a city attorney, a director of the poor, a pound master, a city marshal, a deputy city marshal, and such number of night watchmen as the council may from time to time deem necessary. A street commissioner shall be appointed by the board of public works and confirmed by the council. The common council may also from time to time provide by ordinance for the appointment of, and may appoint for such term as may be provided in such ordinance, such other officers whose election or appointment is not herein specially provided for as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance. The pound master may be removed at the pleasure of the council.

**Term of office, mayor.**

SEC. 3. The mayor shall hold his office for the term of one year and until his successor shall be elected and qualified.

**Recorder.**

The recorder shall hold his office for two years and until his successor shall be elected and qualified. The treasurer shall

**Treasurer.**

hold his office for one year and until his successor shall be elected and qualified. The justice of the peace shall be elected

**Justice of peace.**

for the term of four years from the first day of May next after his election, and until his successor shall be elected and qualified.

**School inspector.**

One school inspector shall be elected annually for the term of two years from the first Monday of April of the year when elected, and until his successor is elected and qualified.

**Supervisors.**

One supervisor in each ward shall be elected annually for the term of one year from the first Monday in April of the year

when elected, and until his successor is elected and qualified. One alderman shall be elected annually in each ward for the Aldermen. term of two years from the first Monday in April of the year when elected and until his successor shall be elected and qualified. One constable in each ward shall be elected annually Constable. for the term of one year from the first Monday in April in the year when elected, and until his successor is elected and qualified.

SEC. 4. All officers appointed by the common council, except the assessor, and except officers appointed to fill vacancies in elective offices shall hold their respective offices for one year from the first day of May of the year when appointed and until their successors are appointed, qualified, and enter upon the duties of their offices, unless a definite term shall be elsewhere specially provided for such term of office in this act or in the ordinance creating the office and any officer appointed or elected to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred. The assessor shall hold his office for the term of three years from the first Monday in May of the year when appointed, or until his successor shall be appointed, qualified and enter upon the duties of the office. In all cases except the office of justice of the peace, officers shall enter upon the duties of their office and give the security if any required for the performance thereof, within ten days after the formal notice of election or appointment.

SEC. 5. The justice of the peace shall file his oath of office with the county clerk of said county on or before the first day of May following his election. He shall give the same security as is required by law of justices of the peace in townships and shall file the same with the county clerk of Marquette county within the time limited for filing his official oath. Such security may be approved either by the mayor of the city or by the county clerk. The justice of the peace shall devote his entire time to the duties of his office, provided that on the first Monday in April, nineteen hundred three, and every four years thereafter, and at no other time, except as is hereafter provided, the electors of the city shall elect a justice of the peace.

### CHAPTER III.

SEC. 7. The boards of registration of electors for this city shall convene and meet for the registration of electors on the Saturday next preceding any general fall election and on the Saturday next preceding any general spring, charter or special election. The boards of registration of the city, to be constituted of two aldermen and one supervisor from each ward, shall be in session at such places in the several wards as shall be designated in the notices provided by law, from eight o'clock in the forenoon, until eight o'clock in the afternoon, for the purpose of completing the list of qualified voters. The General law registration laws of this State relative to the regis- Boards of registration, when to meet. How constituted. to govern registration.

tration of voters in townships after eighteen hundred and fifty-nine shall govern the registration herein provided for in all matters not covered by this provision.

#### CHAPTER IV.

**Marshal to give bonds.** SEC. 3. The marshal shall, each year, before entering upon the discharge of the duties of his office, give such security, with such penalty and so conditioned as the common council shall require. The marshal shall be chief of police and shall possess all the powers of a constable. It shall be his duty to see that the ordinances and regulations enforced from time to time in the city are properly and effectually enforced. To this end, it shall be the duty of the marshal, in all cases where a violation of this act, or any ordinance or regulation, shall come to his notice, to take without further order or direction proper proceedings against the offender for such violation and to make proper complaint to the justice of the peace of said city therefor, or procure the same to be done. He shall obey all lawful orders of the mayor and may command the aid and assistance of all constables and other persons, in the discharge of the duties imposed upon him by law. He may appoint, subject to the approval of the mayor, such number of special police constables as he may deem necessary in an emergency, who shall have all the powers for the time being of night-watchmen provided for in this act. The deputy marshal shall, in the event of the absence, inability, death or removal of the marshal possess the same authority and perform the same duties as the marshal. The marshal shall receive such compensation as shall be allowed from time to time by the common council. All fees for serving papers in criminal cases, except board of prisoners shall belong to the city and the same shall be paid to the city treasurer at the end of each week. All traveling expenses incurred by him in the discharge of his duties in criminal matters shall be audited and paid by the common council. He shall be ineligible to hold any elective or appointive office except the office of deputy sheriff of Marquette county, and by accepting any office in addition to that of marshal, except deputy sheriff, shall of itself amount to a vacancy in the office of marshal. All the foregoing restrictions and provisions shall apply to the office of deputy marshal.

**Duties, etc.**

**Deputy.**

**Compensation.**

**Council to pay certain expenses of.**

**Powers and duties of school inspectors.** SEC. 7. The school inspectors shall have all the powers and perform all the duties which are provided and required of school inspectors in townships under the general laws of this State, and their compensation shall, likewise be governed by the laws of this State relating to school inspectors. The school inspectors, shall, with the recorder, constitute the board of school inspectors of the city, and the recorder shall be clerk of the board.

SEC. 8a. The justice of the peace of the city, except as Justice of the  
herein provided, shall have and exercise herein and within the county of Marquette the same jurisdiction and power in all civil and criminal matters, causes, suits and proceedings and shall perform the same duties in all respects as far as occasions may require as are or may be conferred upon or required of justices of the peace by the general laws of the State and the proceedings in all suits and actions before said justice shall, except as otherwise provided in this act, be according to and governed by the general laws applicable to justice courts and justices of the peace, and said justice shall, except as otherwise provided in this act, in the exercise of the powers and duties conferred upon or required of him, be governed by the general laws of the State relative to justice of the peace, and said justice shall have jurisdiction of civil cases where either of the parties thereto reside in the county of Marquette. Said justice may, from time to time, make and adopt rules of practice for the conduct of the business of said court, not inconsistent with the general laws of the State or the charter and ordinances of said city, which rules shall be entered upon the civil docket of said justice and signed by him. Before any civil suit shall be commenced in said court, the party bringing the same shall pay to said justice the sum of one dollar as an entry fee, and before the trial of any cause, the further sum of one dollar as a trial fee, which shall be in lieu of all justice fees except appeal fees and which shall be deposited to the credit of the city treasurer at the end of each week.

SEC. 8b. Either party may demand a jury under like terms, conditions and fees as are now or may hereafter be required, under the general laws of the State relative to jurors and justice courts.

SEC. 8c. The said justice in addition to his general powers as justice of the peace shall have exclusive jurisdiction except as herein provided, to hear, try and determine all actions and prosecutions for the recovery or enforcing of fines, penalties and forfeitures for violations of this act, and for encroachments upon and injuries to any of the streets, alleys and public grounds within the city, excepting cases where jurisdiction is given some other court, and to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city and to punish offenders for violations of such ordinances as in the ordinances prescribed and directed, subject only to the limitations prescribed in this act.

SEC. 8d. The said justice shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the city charter or ordinances of the city, all the proceedings and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein, and also the amounts and dates of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceeding.

**To be open to public.** Such docket shall be submitted by him at all times for the examination of any person desiring to examine the same, and shall be produced by him to the common council whenever required. He shall also keep a docket for civil cases and criminal cases which shall be kept and submitted the same as the docket for city cases.

**Council to provide room, etc., for justice.** SEC. 8e. The council of the city shall provide for a suitable court room and office for the accommodation of said justice and all necessary furniture, fuel, light, record books, blanks and stationery for the use of the said justice in connection with his office.

**To pay moneys to treasurer.** SEC. 8f. All moneys paid to said justice except jury, officer and witness fees and except all fines recovered for the violation of penal laws of this State shall be for the use of the city and shall be paid weekly to the city treasurer: Provided, That all moneys collected in any case for or on account of services rendered by constables or other officers therein shall be for the use of such officers, and shall be immediately paid over to them, except fees in criminal cases on account of services of the marshal, deputy marshal and night watchman, which shall belong to the city and paid by said justice to the city treasurer

**Proviso.**

**County to pay certain expenses.** SEC. 8g. All moneys paid to said justice except jury, officer and witness fees and except all fines recovered for the violation of penal laws of this State shall be paid by the county of Marquette. It shall be the duty of said justice to present in proper form to the board of supervisors of Marquette county at each of its meetings, correct statements of costs for all violations of the penal laws of this State, which costs shall include officers' fees to which this city is entitled, and upon receipt of the same he shall deposit said fees in the city treasury. He shall, subject to the confirmation of the common council have authority to employ a clerk of said court which clerk shall be under his supervision and subject to his orders and directions.

**To be successor to present justices.**

SEC. 8g. The said justice shall be considered the successor in office of all the justices of the peace now in said city, as their respective terms of office shall expire by resignation or otherwise, and as such successor in office he shall take possession of their dockets and papers and possess and exercise the same powers and authority concerning the same as are now given by the general laws of this State to successors in office to a justice of the peace.

**Salary of justice.**

SEC. 8h. The justice shall receive an annual salary of not to exceed twelve hundred dollars per year, the same to be fixed annually by the common council in the same manner as other salaries are fixed and the same to be paid out of the treasury of said city in monthly installments. The said clerk shall receive an annual salary of not to exceed six hundred dollars per year to be fixed and paid in the same manner as the justice of the peace. These salaries shall be in full compensation for all services performed by said officers in the discharge of the duties of their respective offices, and they shall make no charge to any person for any service required of them or either of them by this act.

**Of clerk.**

SEC. 12. The night watchman of said city shall have like Duties, etc.,  
powers and authority in matters of a criminal nature, but only of night  
within the corporate limits of this city, as is conferred by law  
upon constables in townships, and shall, if required by the  
common council, give security, in such penalty as the council  
may prescribe, conditioned for the faithful performance of  
their duties. The nightwatchmen shall receive such compensation.  
Compensa-tion.

All fees earned by them in the exercise of their authority shall be paid  
to the city treasurer for the use and benefit of the city. They  
shall provide at their own expense such uniforms as shall from  
time to time be directed by the common council. No night-  
watchman shall hold any other office either elective or ap-  
pointive or serve any papers of any court by appointment or  
otherwise and any nightwatchman who shall hold such other  
office or serve such papers shall be deemed to have vacated  
his office as nightwatchman and the acceptance of any other  
employment shall be cause for immediate suspension from  
duty and good cause for removal from office.

Not to hold  
other offices.

All acts and parts of acts inconsistent herewith are hereby  
repealed.

This act is ordered to take immediate effect.

Approved March 24, 1903.

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[No. 347.]

AN ACT to authorize and empower the township of Sheridan,  
in the county of Newaygo and State of Michigan, to raise or  
borrow money and issue bonds therefor, not to exceed  
twenty thousand dollars, with which to aid in the construc-  
tion of a court house and jail for the county of Newaygo, in  
the village of Fremont.

*The People of the State of Michigan enact:*

SECTION 1. The township of Sheridan, in the county of Newaygo and State of Michigan, shall be and hereby is, au-  
thorized and empowered to raise or borrow money on the faith and credit of the said township and issue bonds therefor, to an amount not exceeding twenty thousand dollars, which shall be expended to aid in the construction of a court house and jail for the county of Newaygo, to be located in the village of Fremont, under such rules and regulations as the township board of said township of Sheridan may prescribe: Provided, That a majority of the electors of said township, voting at an election held in accordance with the provisions of this act, shall vote in favor of the said loan in the manner specified in this act.

Bond Issue by  
townships.

How used.

Proviso.

**Question to be submitted to electors.** SEC. 2. The township board of said township is hereby authorized and empowered to submit the question of raising said money and issuing said bonds, to the qualified electors of said township at a general or special election by resolution, setting forth the date, object and place of holding such election, the amount of bonds proposed to be issued, and whether it is to be a general or special election, copies of which resolution shall be securely posted in five public places in said township, at least ten days prior to the date of holding such election, and the same shall be published once in at least one newspaper, published in said village of Fremont, seven days previous to said election.

**Election, how conducted.** SEC. 3. The manner of conducting such election and canvassing said votes shall be the same as at general elections, held within said township, except those voting for the said loan shall have printed or written on their ballots the words, "For the loan, Yes," and those voting against the loan shall have printed or written on their ballots, "For the loan, No." Immediately upon the conclusion of such canvass the inspectors shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number of votes cast for and against said proposition respectively, upon which they shall endorse in writing the result of said election and file with the township clerk of said township, and a copy of which certificate and endorsement shall be filed with the clerk of Newaygo county.

**Certificate, how signed.** SEC. 4. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited and payable at such times and places, and not exceeding ten years from the date of such bonds, and at such rates of interest, not exceeding six per cent, as the said township board shall by resolution direct: Provided, That not more than five thousand dollars of said bonds shall become due in any one year. Said bonds shall be signed by the township board, countersigned by the treasurer and negotiated by and under direction of said township board.

**Where filed.** SEC. 5. It shall be the duty of said township board to provide for the raising by tax upon the taxable property of such township such sums of money as shall be sufficient to pay the amount of such bonds and the interest thereon as fast as the same shall become due.

**When bonds may be issued.** SEC. 6. No bonds issued under and by virtue of this act shall be used or negotiated at less than their par value.

**Proviso.** This act is ordered to take immediate effect.

**Tax for, how raised.** Approved March 24, 1903.

## [No. 348.]

AN ACT to authorize the city of Hudson, in the county of Lenawee and State of Michigan, to borrow money and issue bonds in the sum of fifteen thousand dollars, to improve its streets and construct and repair its sewers.

*The People of the State of Michigan enact:*

SECTION 1. The city council of the city of Hudson, from and after the passage of this act is hereby authorized and empowered to borrow on the faith and credit of said city, a sum not exceeding fifteen thousand dollars for a term not in excess of thirty years from the date of issue at a rate of interest not exceeding five per cent per annum, payable semi-annually, and to execute the coupon bonds of the city therefor in such form as the city council may by a two-thirds vote of all the members elected determine, and to provide for the payment of the same, which bonds shall in no case be disposed of at less than their par value and shall be payable at such place or places as said council shall direct.

Sec. 2. All money borrowed under the provisions of this act shall be applied by said city to improve its streets and construct and repair its sewers under such rules and regulations as said council shall prescribe.

Sec. 3. It shall be the duty of said council to provide by tax upon the taxable property, or from any other fund it may have and not otherwise appropriated, for the payment of the said sum of fifteen thousand dollars and interest upon the bonds issued under the authority of this act: Provided, That no bonds shall be issued or money borrowed for such purposes until the question shall be submitted by the council to the electors of the city at any regular annual election or at a special election called for that purpose and a two-thirds majority of all the electors voting at said election voting therefor shall decide.

This act is ordered to take immediate effect.

Approved March 24, 1903.

## [No. 349.]

AN ACT providing for the appointment, terms of office and compensation of county road commissioners for the county of Dickinson, and the levying of county road tax, within all townships in said county.

*The People of the State of Michigan enact:*

SECTION 1. The board of county road commissioners, for the county of Dickinson shall consist of three members, who shall be appointed by the board of supervisors of said county, for

When ap-  
pointed, etc.

the term of three years, from and including the first day of May following such appointment.

To take oath  
of office.

SEC. 2. Said county road commissioners shall in the first instance be appointed between the fifteenth day of March and the first day of May, A. D. nineteen hundred three, one for the term of one year, one for the term of two years and one for the term of three years, from and including the first day of May, nineteen hundred three, but their respective terms of office shall begin immediately upon filing their oaths of office as hereinafter provided, and thereafter, one commissioner shall be appointed by said board of supervisors, between the first day of March and the fifteenth day of April in each year for the term of three years as provided in section one of this act.

Vacancy, how  
filled.

SEC. 3. The clerk of said county shall within five days after the appointment of any commissioner, notify him in writing of his appointment, and such commissioner shall within ten days after being so notified, take and subscribe the constitutional oath of office and file the same with the said clerk.

Compensa-  
tion.

SEC. 4. Vacancies that may occur in the office of county road commissioner, shall be filled by said board of supervisors for the unexpired portion of the term.

All townships  
liable to coun-  
ty road tax.

SEC. 5. The compensation of the county road commissioners, shall be fixed by the board of supervisors of said county, by annual salary or otherwise.

SEC. 6. All townships in said county of Dickinson, whether any one or more of them have adopted and may be operating under a township road system, as provided by sections four thousand two hundred eighty-four to four thousand two hundred ninety of Compiled Laws of eighteen hundred ninety-seven, or not, shall be liable for and shall have county road tax levied therein, notwithstanding the provisions of section four thousand two hundred eighty-eight of Compiled Laws of eighteen hundred ninety-seven.

Certain act to  
remain in  
force.

SEC. 7. Act number one hundred forty-nine of the Public Acts of eighteen hundred ninety-three, entitled "An act to provide for a county and township system of roads, and to prescribe the powers and duties of the officers having the charge thereof," shall be and remain in force in and for the said county of Dickinson, where not in conflict with the provisions of this act.

This act is ordered to take immediate effect.

Approved March 24, 1903.

## [No. 350.]

**AN ACT** to authorize and empower the township of Dayton, in the county of Newaygo and State of Michigan, to raise or borrow money and issue bonds therefor, not to exceed twenty thousand dollars, with which to aid in the construction of a court house and jail for the county of Newaygo, in the village of Fremont.

*The People of the State of Michigan enact:*

**SECTION 1.** The township of Dayton, in the county of Newaygo and State of Michigan, shall be and hereby is, authorized and empowered to raise or borrow money on the faith and credit of the said township and issue bonds therefor, to an amount not exceeding twenty thousand dollars, which shall be expended to aid in the construction of a court house and jail for the county of Newaygo, to be located in the village of Fremont, under such rules and regulations as the township board of said township of Dayton may prescribe: **Provided,** That a majority of the electors of said township, voting at an election held in accordance with the provisions of this act, shall vote in favor of the said loan in the manner specified in this act.

**SEC. 2.** The township board of said township is hereby authorized and empowered to submit the question of raising said money and issuing said bonds, to the qualified electors of said township at a general or special election by resolution, setting forth the date, object and place of holding such election, the amount of bonds proposed to be issued, and whether it is to be a general or special election, copies of which resolution shall be securely posted in five public places in said township, at least ten days prior to the date of holding such election, and the same shall be published once in at least one newspaper, published in said village of Fremont, seven days previous to said election.

**SEC. 3.** The manner of conducting such election and canvassing said votes shall be the same as at general elections, held within said township, except those voting for the said loan shall have printed or written on their ballots the words, "For the loan—Yes," and those voting against the loan shall have printed or written on their ballots, "For the loan—No." Immediately upon the conclusion of such canvass the inspectors shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number of votes cast for and against said proposition respectively, upon which they shall endorse in writing the result of said election and file with the township clerk of said township, and a copy where filed. of which certificate and endorsement shall be filed with the clerk of Newaygo county.

**SEC. 4.** If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited and payable at such

Bond issue  
by township.

How used.

Proviso.

Question to be submitted to electors.

Election, how conducted.

Form of ballot.

Certificate, how signed.

where filed.

when bonds may be issued.

**Proviso.** times and places, and not exceeding ten years from the date of such bonds, and at such rates of interest, not exceeding six per cent, as the said township board shall by resolution direct: Provided, That not more than five thousand dollars of said bonds shall become due in any one year. Said bonds shall be signed by the township board, countersigned by the treasurer and negotiated by and under direction of said township board.

**Board to provide tax for.** SEC. 5. It shall be the duty of said township board to provide for the raising by tax upon the taxable property of such township such sums of money as shall be sufficient to pay the amount of such bonds and the interest thereon as fast as the same shall become due.

**Bonds to be negotiated at par.** SEC. 6. No bonds issued under and by virtue of this act shall be used or negotiated at less than their par value.

This act is ordered to take immediate effect.

Approved March 24, 1903.

[No. 351.]

AN ACT to create and organize a municipal court for the city of Menominee, county of Menominee, to define and limit its jurisdiction and to provide for the election of a judge thereof, and to repeal section twenty-three of title eight of the charter of the city of Menominee, being act number four hundred forty-two of the Session Laws of the year nineteen hundred one.

*The People of the State of Michigan enact:*

**Municipal court created.** SECTION 1. There shall be and hereby is created and established a municipal court in and for the city of Menominee, county of Menominee, which shall be called "The Municipal Court of Menominee."

**Judge, when elected.** SEC. 2. On the first Monday in April in the year one thousand nine hundred three and every four years thereafter, the qualified voters of the city of Menominee shall elect a judge of said court whose title and office shall be "Judge of the

**Term of office.** Municipal Court of Menominee," and who shall hold his office for four years and until his successor shall be elected and qualified. Notice of such election shall be given by the clerk of the city of Menominee in the manner prescribed by law in case of the election of city officers for said city: Provided,

**Proviso.** That five days' notice of the first election shall be deemed sufficient and at such election the person receiving the highest number of votes for said office shall be declared duly elected thereto. The provisions of law relative to holding elections of city officers in said city, canvassing the votes and making returns thereof so far as applicable shall regulate and apply to the election of the judge of said court.

SEC. 3. No person shall be elected judge of the municipal court of Menominee unless he be at the time of such election <sup>qualification of judge.</sup> an attorney and counsellor at law of the supreme court of this State.

SEC. 4. The judge of said court before entering upon the <sup>To take oath of office.</sup> duties of his office shall take and subscribe the oath of office prescribed by article eighteen of the Constitution of this State. Such oath may be taken before any officer authorized to administer oaths, and shall be filed in the office of the clerk of the city of Menominee, and said judge shall within ten days <sup>To give bonds.</sup> after being notified of his election to said office file with the city clerk of said city a bond to the city of Menominee in the penal sum of three thousand dollars with sufficient sureties to be approved by the mayor of said city, conditioned for the faithful performance of the duties of his office.

SEC. 5. Said court shall have exclusive jurisdiction to <sup>Jurisdiction of court.</sup> hear, try and determine all actions and prosecutions for the recovery and enforcement of fines, penalties and forfeitures imposed by the ordinances of the city and of all causes, proceedings and prosecutions for the violation of any such ordinance; and shall also have exclusive jurisdiction to hear, try and determine all actions or prosecutions for the violation of any law of this State where the offense is committed within the city of Menominee and which otherwise would be cognizable by a justice of the peace; and shall also have the same jurisdiction and powers for the arrest and examination of offenders as is conferred upon justices of the peace by chapter three hundred thirty of the Compiled Laws of eighteen hundred ninety-seven. An appeal may be taken from any judgment of said court to the circuit court for the county of Menominee in the same manner and with like effect as appeals may be taken to said court from a judgment of a justice of the peace.

SEC. 6. Said court shall have the same jurisdiction of all <sup>Jurisdiction in civil cases.</sup> civil actions original and concurrent that is possessed by justices of the peace where the plaintiffs or any of them or the defendants or any of them reside in the city of Menominee; and in addition thereto, subject to the same condition of residence of the parties, shall have concurrent jurisdiction with the circuit court for the county of Menominee of all civil actions of a transitory nature in which the debt or damages claimed or the amount, or the value of the property, involved as shown by the declaration of the plaintiff shall not exceed the sum of five hundred dollars.

SEC. 7. The municipal court of Menominee shall have <sup>Jurisdiction when private property appropriated.</sup> original and exclusive jurisdiction in all actions and proceedings to open, widen or extend any public street or alley, and of all other proceedings where it shall be necessary to appropriate private property for any public use within said city. Such actions and proceedings shall be taken under chapter ninety of the Compiled Laws of eighteen hundred ninety-seven and all the powers and authority by that act con-

ferred upon the recorder's court of cities are hereby conferred upon and vested in the said municipal court.

Judge to decide questions of law.

SEC. 8. The jury impaneled in any case in said court shall determine any and all questions of fact in such case but it shall be the duty of the court hearing such cause, when requested by either party, to decide all questions of law arising therein the same as in the circuit courts of this State; and it shall also be the duty of said court, when requested by either party, to instruct the jury as to the questions of law applicable to the case. If it shall appear on such trial that either party is entitled to a verdict as a matter of law and that no question of fact exists requiring the determination of said jury then said court may direct a verdict accordingly. The proceedings in said court as to the form, issue, service and return of writs and process, the conduct of trials; the rendition of judgments, the taxation of costs, the issue and return of execution and in all other respects shall conform as near as may be to like proceedings in the courts of justices of the peace in this State as prescribed by law except as in this act otherwise provided.

Proceedings same as justice courts.

SEC. 9. In case of the absence or inability of such municipal judge to act he may, by an order in writing filed in said court designate and appoint some practicing attorney of said city to perform his duties in such case, but the compensation paid such attorney for the hearing of such case shall be borne and paid by said municipal judge. In case of a vacancy in the office of municipal judge aforesaid the mayor of the city of Menominee by and with the consent of the city council shall appoint some person who is duly qualified under the provisions of this act to hold said office, to fill such vacancy until the next annual city election thereafter, at which time the said vacancy shall be filled by election.

Vacancy, how filled.

SEC. 10. All fines, penalties and costs collected or received by said judge or the clerk of said court for or on account of the violation of penal laws of this State or on account of the violations of any ordinances of said city shall be paid over by said judge or clerk to the city treasurer of the city of Menominee in accordance with the provisions of the charter thereof on or before the first Monday of the month next after the collection or receipt thereof by said judge or clerk and by said treasurer be disposed of in the manner provided by law.

Fines, etc., to whom paid.

SEC. 11. Such municipal judge shall report to the prosecuting attorney of Menominee county all criminal prosecutions commenced in said court and shall certify all convictions to the county clerk of said county in the same manner as required by law for justices of the peace, and shall report to the city council at the first regular meeting thereof in each month all fines, penalties and costs received by him since the last preceding report and the amount thereof paid to the city treasurer. Such report shall also show the name of every person prosecuted in said court under the city ordinances and

To report to prosecuting attorney.

Report to council.

the disposition of each case with fine, cost and time of imprisonment, if any, in each case.

Sec. 12. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced in said municipal court there shall be paid to the judge or clerk thereof by the party bringing the action the sum of one dollar; and before the trial of any such action or proceeding shall be commenced the further sum of one dollar and fifty cents; but in case of nonsuit no judgment fee shall be required; and proceedings in garnishment shall be treated as part of the principal case and no additional fees shall be charged therefor up to and including the entry of judgment therein. If the plaintiff in such case recover judgment, he shall be entitled to tax the usual justice court fees against the defendant. If the defendant recover judgment in such cause the said justice court fees shall in like manner be taxed against the plaintiff. Nothing herein contained shall be so construed as to prevent the municipal court of Menominee in any civil action requiring the plaintiff therein to give security in said court for costs as in like cases in courts of justices of the peace.

Sec. 13. Before any affidavit for appeal or writ of certiorari shall be served on the judge of said municipal court, in addition to the fees allowed by law for making returns to an appeal or certiorari, the entry fee on filing the same in the circuit court shall be paid to said judge or to the clerk of said municipal court by the appellant or plaintiff in error and the said judge shall as early as possible file the returns to such appeal or writ of certiorari in the office of the clerk of the circuit court of Menominee county and shall pay or cause to be paid over to him the fee so advanced as aforesaid.

Sec. 14. All moneys paid to said judge of said court for entry fees paid on the institution of any suit therein and for judgment fees paid on the commencement of trial or the entry of judgment in said suit, shall be in full satisfaction of all the fees of said judge in civil actions and when received by said judge or by the clerk of said municipal court shall be for the use of the city of Menominee and be paid over to the treasurer of said city in accordance with the provisions of this act. The sum or sums paid by either party, including the jury fees, shall be taxed as cost of suit in favor of the party paying the same if he be the prevailing party in the suit in addition to any other costs to which he may be entitled by law. In criminal cases the same costs shall be paid and in the same manner as in proceedings before justices of the peace in townships except that the same shall be paid to the judge or clerk of said court as in this act provided.

Sec. 15. In any civil action tried in said court the prevailing party in such action shall be entitled to have taxed in his favor in addition to the costs herein otherwise provided for, an attorney fee as follows: on any judgment for the sum of fifty dollars or less, a sum equal to ten per cent of the judgment; on any judgment over fifty dollars and less than one

Fees paid before commencement of suit.

Court may require security.

Advance fees for appeal, etc.

Fees to be for use of city.

Certain expenses taxed as costs.

Attorney fees in civil cases.

**In case of non-suit.**

hundred dollars, five dollars; on any judgment for one hundred dollars or over, ten dollars; in actions of replevin, five dollars. If the plaintiff shall become nonsuit after the service of a plea or demurrer, the defendant shall recover an attorney fee of five dollars, but no attorney fee shall in any case be taxed unless the prevailing party has appeared therein by an attorney of the supreme court of this State, and the defendant has appeared and put in a plea or demurrer.

**City clerk to be clerk of court.**

SEC. 16. The city clerk of said city shall be ex-officio clerk of said municipal court of Menominee, and it shall be his duty as such clerk to keep a true and complete record of all proceedings before said court and enter all judgments in the dockets in the time and manner prescribed by law, which judgments shall be signed by the judge. He shall keep true and correct accounts of all moneys received by him or said court or judge for the use of the city of Menominee or for any other purpose, and shall properly account for and pay over the same to the party entitled thereto. He shall also file and safely keep all papers and books belonging and appertaining to said court, none of which shall be removed from said court without the authority in writing of the judge thereof, nor unless proper receipts therefor be given. Said clerk shall also receive all costs, fines and dues of every description which are provided by law in all proceedings before said court, and shall pay the same monthly to the treasurer of the city of Menominee as provided for in this act, and shall take such treasurer's receipt therefor. The said clerk shall have power generally to administer oaths and take affidavits. He shall receive for such services such compensation as the city council of Menominee may determine not exceeding the sum of three hundred dollars per year.

**Compensation.**

SEC. 17. This act shall in no way affect the fees to which said judge shall be entitled on the performance of the marriage ceremony, taking acknowledgments and in administering oaths in matters not connected with any litigation in said court nor shall it affect the fees to which the sheriff of Menominee county or his deputies or the chief of police of the city of Menominee are entitled by law, or the present mode of paying them.

**Council to provide court room, etc.**

SEC. 18. The council of the city of Menominee may provide suitable court rooms for the accommodation of such municipal court and also such jury rooms as may be necessary, which shall be contiguous to each other. The council shall also provide all necessary dockets, books, blanks and stationery for the use of said court, provided that the council may authorize the use of the council rooms for such municipal court, if in their judgment it shall be deemed advisable to do so.

**Salary of judge.**

SEC. 19. The municipal judge shall receive such salary as the council shall prescribe not exceeding the sum of eighteen hundred dollars per year: Provided, however, All fees re-

**Proviso.**

ceived by said judge for entry fees, judgment fees and otherwise, except the fees provided in section seventeen of this act shall be for the use of said city and shall be paid over by him to the city treasurer thereof on or before the first Monday of the month next succeeding the receipt thereof by said judge or by the clerk of said court.

**SEC. 20.** Section twenty-three of title eight of the charter of the city of Menominee, being act number four hundred forty-two of the Session Laws of the year nineteen hundred one, and all acts and parts of acts contravening or conflicting with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved March 24, 1903.

[No. 352.]

**A N ACT** for submitting to the electors of the cities of Bay City and West Bay City, in the county of Bay, the question of the consolidation of the two cities under one municipal government.

*The People of the State of Michigan enact:*

**SECTION 1.** At the annual election on the first Monday in April, one thousand nine hundred three, in the cities of Bay City and West Bay City, in the county of Bay, there shall be submitted to the electors of said cities the question whether or not the said cities shall be consolidated into one city under one municipal government. Question to be submitted to electors.

**SEC. 2.** At least ten days before the time of holding said annual election the recorder or clerk of each of said cities shall give public notice that the question whether said cities shall be consolidated under one municipal government will be submitted to the electors of said cities at the said annual election to be held on the first Monday in April, one thousand nine hundred three. Such notice shall be given by posting, at least ten days before said election, in three or more public places in each ward of each of said cities, a written or printed copy thereof. Notice of, how given.

**SEC. 3.** It shall be the duty of the boards of election commissioners of the said cities of Bay City and West Bay City to prepare a ballot for the use of the electors of the said cities desiring to vote upon the question of such consolidation, which ballot shall be in the following form: Who to prepare ballot.

"Vote on the question of the consolidation of Bay City and West Bay City. Form of.

"For the consolidation of Bay City and West Bay City—  
Yes.

"For the consolidation of Bay City and West Bay City—  
No."

**How distributed, etc.** Said ballot so prepared shall be sent out to each of the several wards of the said cities by the said boards of election commissioners at the same time and in the same manner as the general ballots to be used at said annual election. And it shall be the duty of the board of election inspectors at each voting precinct in said cities to see to it that each elector is furnished with one of said ballots at the same time that he is furnished with the general ballot.

**Vote, how canvassed.** SEC. 4. The vote cast at such election for and against the consolidation of said cities shall be counted, canvassed and returned by the board of inspectors in the same manner as other votes cast at such election for city officers. And in case such returns in either city shall show a majority vote against consolidation, said cities shall not be consolidated, it being the intent and purpose of such vote, that if either of said cities return a majority vote against such consolidation, said cities shall not be consolidated; but in case such returns show, by a majority vote of the electors voting on such proposition, that each city, individually, is for consolidation, then and then only, the city council of each city respectively, shall appoint the mayor and a committee of five freeholders, not more than three of whom shall be aldermen of their respective city, and the respective mayors and ten freeholders so appointed as aforesaid, shall constitute and be known as "The consolidation committee of the Bay Cities." It shall be the duty of the members of such committee to convene with as much speed as possible, and prepare a charter for submission to the legislature, which shall be adopted and approved by the majority vote of all the members of such committee.

**Charter, who to prepare.** SEC. 5. In case the said cities shall be consolidated under the provisions of this act, such consolidation shall not make any change in the present legislative districts in and for the county of Bay, but the same shall remain as fixed at present until the next legislative apportionment.

This act is ordered to take immediate effect.

Approved March 24, 1903.

[No. 353.]

AN ACT to authorize the township board of the township of Sebewaing, county of Huron, to issue the bonds of said township to the amount of fifty thousand dollars for the purpose of building stone roads in said township, and to levy taxes sufficient for the payment of the same and the interest thereon.

*The People of the State of Michigan enact:*

**Bond issue by township.** SECTION 1. The township board of the township of Sebewaing, in the county of Huron, is hereby authorized to issue the negotiable coupon bonds of said township to the amount

of fifty thousand dollars for the purpose of providing funds for the construction of stone roads or highways in said township. Said bonds shall be designated as Stone Road bonds, shall become due and payable not later than twenty-five years from their date, shall bear interest at a rate not exceeding Rate of interest five per cent per annum, payable semi-annually and shall be in such form and of such denomination and executed in such manner as said township board may, by resolution, direct, and when issued and delivered for value shall be valid and binding obligations of said township: Provided, That the said township board shall cause to be submitted to the electors of said township at the April election, A. D. nineteen hundred three, the question of whether said bonds shall be issued and shall provide the necessary rules and regulations for submitting said question to said electors according to law: And provided further, That until a majority of the electors of said township voting upon said proposition have voted in favor thereof said township board shall not issue such bonds.

SEC. 2. When said bonds are issued the township board of Tax to meet said township shall thereafter annually levy a direct tax, in addition to all other township taxes, on all the taxable property in said township sufficient in amount to meet the interest on said bonds promptly as the same matures and also to establish and maintain a sinking fund which shall be sufficient to liquidate the principal of said bonds at their maturity. Said annual tax shall be collected at the same time and in the same manner in each year as other township taxes are collected.

This act is ordered to take immediate effect.

Approved March 24, 1903.

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[No. 354.]

AN ACT to detach certain territory from the township of Forsyth, in the county of Marquette, in the State of Michigan, and to organize the township of Wells, in said county.

*The People of the State of Michigan enact:*

SECTION 1. The territory described as follows, to-wit: Territory to contain. Townships numbered forty-two and forty-three north of ranges twenty-five and twenty-six west are hereby detached from the township of Forsyth, in Marquette county, and that the said territory be and is hereby organized into a new township to be called and known as the township of Wells.

SEC. 2. The first township meeting in said township shall First meeting, be held at the office of the Wolverine Cedar and Lumber com- when and where held. pany at Northland in said township on Monday the sixth day of April, one thousand nine hundred three, and shall be con-

**Who to be board of registration.** sidered the annual township meeting of said township for said year, and David Howe, Charles A. Carlson and Albert E. Fitzpatrick, three electors residing in the above territory, are hereby designated a board of registration whose duty it shall be to prepare a registration book and register therein the names of the qualified electors of said township. Said board of registration shall meet on the Saturday next preceding the day of holding said election at the office of the Wolverine Cedar and Lumber company aforesaid, after giving written or printed notice thereof at least five days prior to the holding of said election by posting the same in three of the most public places in said township. Said board of registration shall have the same power, and perform the same duties as are required by township boards of registration in townships under the general laws of this State.

**When to meet.**

**Powers and duties.**

**Who to be inspectors of election.**

SEC. 3. That said David Howe, Charles A. Carlson and Albert E. Fitzpatrick be designated and are hereby constituted inspectors of said election, whose duty it shall be to preside at said first election, to appoint a clerk and second clerk and two gate-keepers of election, open and keep the polls, and shall exercise the same powers as inspectors of election of any township may exercise under the laws of this State.

**In case of failure to hold meeting as aforesaid.**

SEC. 4. If said township meeting shall not be held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, by giving at least ten days' notice thereof by posting the same in four of the most public places in said township, which said notice the said inspectors are hereby authorized and required to give.

This act is ordered to take immediate effect.

Approved March 24, 1903.

[No. 355.]

AN ACT to detach certain territory from the township of Baldwin and from the township of Masonville, in the county of Delta, and to organize such territory into the township of Brampton.

*The People of the State of Michigan enact:*

**Territory to contain.**

SECTION 1. Sections nineteen to thirty-six, both inclusive, of town forty-one north of range twenty-two west and sections four, five, eight and nine of town forty north of range twenty-two west is detached from the township of Baldwin and fractional sections two, three and ten, including lot five of fractional section ten, of town forty, north of range twenty-two west is detached from the township of Masonville in the county of Delta and the same and such territory is hereby

organized into a separate township to be known as the township of Brampton.

SEC. 2. The first township meeting of said township shall be held at what is known as the Kipling Schoolhouse on the first Monday in April, A. D. nineteen hundred three, and Horace Martin, William H. Wellsteed and John Latimer are hereby made and constituted a board of inspectors of said township election, at which said election the qualified voters shall elect by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same it shall and may be lawful to hold the same at any time hereafter by giving at least five days' notice of the time and place of holding such meeting by posting notice thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election or a majority of them.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said meeting.

SEC. 5. And the said Horace Martin, William H. Wellsteed and John Latimer, or a majority of them, shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the session of the said board of registration shall be at the schoolhouse known as the Kipling school, on the Saturday preceding said election, notice of which may be given in the same manner and for the same time as provided in the case of holding elections in section three of this act.

This act is ordered to take immediate effect.

Approved March 24, 1903.

[No. 356.]

AN ACT to authorize the village of Essexville, in the county of Bay and State of Michigan, to borrow the sum of twenty-five thousand dollars and to issue the bonds of the village therefor, for the purpose of raising money to pave or macadamize Woodside avenue in said village.

*The People of the State of Michigan enact:*

SECTION 1. The village council of the village of Essexville, County of Bay, State of Michigan, be and hereby is authorized and empowered to borrow on the faith and credit of said vil-

**Rate of interest.** lage a sum or sums of money not to exceed in the aggregate the sum of twenty-five thousand dollars, for any term or terms of years not less than five nor more than fifteen, at a rate of interest not exceeding five per cent per annum, payable semi-annually and to execute and issue the coupon bonds of said village therefor in such form and in such amounts and payable at such times within the foregoing limits as the said council may by a two-thirds vote of all the members elect determine;

**To provide for payment.** and to provide for the payment of the same, and for the payment of the interest upon the same, which bonds shall in no case be disposed of for less than their par value, and shall be payable at such place or places as such council shall direct.

**Money, how used.** SEC. 2. All money borrowed under the provisions of this act shall be used for the purposes of grading, paving and otherwise improving Woodside Avenue in said village and under such rules and regulations as said council shall prescribe.

**Tax for, how raised.** SEC. 3. It shall be the duty of said council to provide by tax upon the taxable property, or from any fund it may have and not otherwise appropriated, for the payment of the said sum of twenty-five thousand dollars or for any sum or sums of money borrowed under the provisions hereof, and the interest upon any and all bonds issued under authority of this act, as they may become due and said council is hereby expressly authorized so to do.

**Question to be submitted to electors.** SEC. 4. The village council shall submit to the electors of said village at a general election, or at a special election to be called for said purpose, the question of issuing said bonds for the purpose aforesaid. The notice of such election shall state the time and place of holding such election and the purpose thereof, and copies thereof shall be posted by the clerk of said village in five conspicuous places within the limits of said village at least ten days before said general or special election. Special ballots shall be provided for such election in the following form: "Shall the village of Essexville issue bonds not to exceed the sum of twenty-five thousand dollars for the purpose of raising money to pave or macadamize Woodside Avenue? Yes." "Shall the village of Essexville issue bonds not to exceed the sum of twenty-five thousand dollars for the purpose of raising money to pave or macadamize Woodside Avenue? No." The regular or special election held and the mode of proceeding at such election and the method of canvassing the ballots cast upon said question shall be in the manner provided in the general act relative to village elections, and no bonds shall be issued under the provisions of this act unless a majority of all of the votes cast upon the question of bonding the village as aforesaid shall favor issuing said bonds.

**Election, how conducted.**

This act is ordered to take immediate effect.

Approved March 24, 1903.

## [No. 357.]

**A**N ACT to authorize the city of St. Clair, in St. Clair county, to borrow a sum of money not to exceed two per centum of its assessed valuation, to be used in the reconstruction of pavements, and to issue bonds therefor.

*The People of the State of Michigan enact:*

SECTION 1. That the common council of the city of St. Council may issue bonds. Clair in the county of St. Clair, be and is hereby authorized and empowered to borrow, on the faith and credit of said city, a sum of money not exceeding two per centum of the assessed valuation of the city for a period not exceeding twenty years, and at a rate of interest not exceeding four and one-half per centum per annum, and to execute and issue coupon bonds of Rate of interest est. said city therefor in such form and manner as the common council shall determine.

SEC. 2. All money borrowed under the provisions of this Money, how used. act shall be used and expended in repairing and repaving Front street of said city, which is now paved with cedar block paving.

This act is ordered to take immediate effect.

Approved March 26, 1903.

## [No. 358.]

**A**N ACT to provide for the incorporation of the village of Kinde.

*The People of the State of Michigan enact:*

SECTION 1. All that tract of land situate and being in the Territory to contain. townships of Dwight and Lincoln in the county of Huron, known and described as the south half of section thirty-one, town eighteen north, range thirteen east, and the north half of section six, town seventeen north, range thirteen east, Michigan meridian, be and the same is hereby made and constituted a village corporate by the name and style of the village of Kinde.

SEC. 2. The first election of officers of said village shall be First election, when and where held. held on the fourth Monday of April in the year of our Lord nineteen hundred three, at Balfour's Hall in said village. Notice of said election shall be posted in at least five public places in said village by the board of registration hereinafter appointed, at least ten days previous to said election.

SEC. 3. If for any reason the said election shall not be When may be held. held at the time hereinbefore specified, it may be held at any time within one year thereafter by giving the notice above required.

Who to constitute board of registration.

When to meet.

Notice of.

Polls, when open.

Village, how governed.

SEC. 4. Edward D. Ahearn, George Carty, William O. Mortimer and Willard Babcock are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and the said persons, Edward D. Ahearn, George Carty, William O. Mortimer and Willard Babcock shall also act as the board of election commissioners for said first election. Said board of registration is hereby required to meet on the Saturday preceding the fourth Monday in April, nineteen hundred three, at Balfour's hall in said village, and register the names of all persons residents of said village, presenting themselves for registration, having the qualifications of voters at township meetings. Due notice of such registration shall be given by said board by posting notices thereof in at least five public places in said village five days previous to the meeting of such board of registration.

SEC. 5. On the day of said election the polls shall be opened at nine o'clock in the morning and shall be kept open until five o'clock in the afternoon of said day, at which time they shall be finally closed, and the inspectors shall cause proclamation to be made of the opening and closing of the polls.

SEC. 6. The said village of Kinde shall in all respects not herein otherwise provided be governed by and it powers and duties defined by an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and acts amendatory thereto.

This act is ordered to take immediate effect.

Approved March 26, 1903.

[No. 359.]

AN ACT to amend section two of title six of act four hundred twenty-nine, Local Acts of eighteen hundred ninety-five, entitled "An act to reincorporate the city of Cadillac, to establish a board of public works, a board of fire and police commissioners, to create a recorder's court in said city, to provide for the election and appointment of officers therein, and to repeal act number two hundred sixty-five of the Local Acts of eighteen hundred and eighty-five, entitled 'An act to reincorporate the city of Cadillac and to repeal act number two hundred fifty-four of the Session Laws of eighteen hundred seventy-seven, entitled 'An act to incorporate the city of Cadillac and repeal act number three hundred thirty-six of the Session Laws of eighteen hundred seventy-five,' approved April twenty-two, eighteen hundred seventy-five, and act number three hundred four of the Ses-

**sion Laws** of eighteen hundred seventy-nine, entitled ‘An act to amend section one of act number two hundred fifty-four of the Session Laws of eighteen hundred seventy-seven,’ approved March twenty, eighteen hundred seventy-seven, entitled ‘An act to incorporate the city of Cadillac and repeal act number three hundred and thirty-six of the Session Laws of eighteen hundred and seventy-five,’ approved April twenty-two, eighteen hundred seventy-five,” approved March six, eighteen hundred eighty-five, and all amendments thereto, “approved May twenty-two, eighteen hundred ninety-five, and to repeal act number three hundred thirty-nine Local Acts of eighteen hundred ninety-seven, entitled “An act to amend section two of title two of act four hundred twenty-nine, Local Acts of eighteen hundred ninety-five, entitled ‘An act to re-incorporate the city of Cadillac, and to create a recorder’s court in said city, and to provide for the election and appointment of officers therein, and to prescribe the duties of said recorder,’ approved May twenty-second, eighteen hundred ninety-five.”

*The People of the State of Michigan enact:*

SECTION 1. Section two of title six, of act four hundred twenty-nine, Local Acts of eighteen hundred ninety-five, entitled “An act to reincorporate the city of Cadillac, to establish a board of public works, a board of fire and police commissioners, to create a recorder’s court in said city, to provide for the election and appointment of officers therein, and to repeal act number two hundred sixty-five of the Local Acts of eighteen hundred eighty-five, entitled “An act to reincorporate the city of Cadillac and to repeal act number two hundred fifty-four of the Session Laws of eighteen hundred seventy-seven, entitled ‘An act to incorporate the city of Cadillac and repeal act number three hundred thirty-six of the Session Laws of eighteen hundred seventy-five’; approved April twenty-two, eighteen hundred seventy-five, and act number three hundred four of the Session Laws of eighteen hundred seventy-nine, entitled ‘An act to amend section one of act number two hundred fifty-four of the Session Laws of eighteen hundred seventy-seven, approved March twenty, eighteen hundred seventy-seven, entitled ‘An act to incorporate the city of Cadillac and repeal act number three hundred thirty-six of the Session Laws of eighteen hundred seventy-five,’ approved April twenty-two, eighteen hundred seventy-five,” approved March six, eighteen hundred eighty-five, and all amendments thereto,’ approved May twenty-two, eighteen hundred ninety-five, be, and the same is hereby amended so as to read as follows:

Sec. 2. Such court shall be entitled “The Recorder’s Court of the City of Cadillac,” and shall have such general powers, and such powers and jurisdiction in civil and criminal matters as are by the laws of the State of Michigan conferred on justices of the peace of townships, and shall have exclusive jur-

isdiction to hear, try and determine all actions and prosecutions for the recovery and enforcement of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for the violation thereof. And shall also have exclusive jurisdiction to hear, try and determine all actions and prosecutions arising for violations of any law of the State when such offenses are committed within the city of Cadillac and of that degree usually cognizable by justices of the peace; and shall also have exclusive jurisdiction to examine all parties charged with having committed, within the city of Cadillac, such offenses as are not so cognizable by justices of the peace and to hold such parties for trial to the circuit court for the county of Wexford; and appeals from judgments in said recorder's court may be taken to the circuit court for the county of Wexford in the same manner and under such conditions and limitations as appeals from judgments in justice's courts are had by law.

**Appeals,  
where taken.**

**Repealing  
clause.**

SEC. 2. Act number three hundred thirty-nine, Local Acts of eighteen hundred ninety-seven, entitled "An act to amend section two of title two of act four hundred twenty-nine, Local Acts of eighteen hundred ninety-five, entitled "An act to re-incorporate the city of Cadillac, and to create a recorder's court in said city, and to provide for the election and appointment of officers therein, and to prescribe the duties of said recorder, approved May twenty-second, eighteen hundred and ninety-five," is hereby repealed.

This act is ordered to take immediate effect.

Approved March 26, 1903.

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[No. 360.]

AN ACT to amend sections two and twelve of chapter three, section two of chapter six, and section twelve of chapter twelve, of an act, entitled "An act to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act, entitled 'An act to incorporate the city of Negaunee, in Marquette county,'" approved April eleventh, eighteen hundred seventy-three, and the acts amendatory thereof.

*The People of the State of Michigan enact:*

**Sections  
amended.**

SECTION 1. Sections two and twelve of chapter three, section two of chapter six and section twelve of chapter twelve of an act, entitled "An act to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act entitled 'An act to incorporate the city of Negaunee, in Marquette county,'" approved April eleventh, eighteen hundred seventy-three, as amended, are hereby amended to read as hereinafter set forth.

## CHAPTER III.

SEC. 2. The annual election after the first under this act shall be held on the first Monday of April in each year, at such places in each of the several wards as the common council shall designate, notice of which shall be given by the recorder at least ten days before the election by posting the same in three public places in such wards, or by publishing the same in some newspaper printed in said city. The aldermen and supervisor of each ward shall be inspectors of such elections, and the supervisor shall be chairman and they shall also be inspectors of the State, district, county and all other elections, and they shall appoint two suitable persons to act as clerks thereof, and in case of the absence of one or both of such inspectors the electors may choose viva voce, from their number, one or more to fill such vacancies, to whom, as well as the clerks appointed as aforesaid, shall be administered the constitutional oath by either of said inspectors, or by any justice of the peace or notary public. Each of such inspectors and clerks of election shall receive for their services upon the board of registration the sum of three dollars per day and a like sum for their services as inspectors of election. The manner of conducting all elections and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as that of townships, the word "ward" instead of township being used in the oath to be administered to an elector in case his vote shall be challenged: Provided, That at such charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the said city and also one certificate of the officers elected in and for their ward, which certificate shall be immediately filed in the office of the recorder of said city, and upon the Thursday next following the day of said election the common council shall meet at the city hall or other place appointed by the common council and thereupon determine who by the greatest number of votes given in the several wards at such elections are duly elected to fill the respective city offices; and it shall be the duty of said recorder, immediately after such determinations, to cause notice to be given to each of the persons elected of their election, and each of said officers so elected and notified, except justices of the peace and recorder, shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to said recorder who shall file the same in his office: Provided, That in case of the election of a recorder or any one or more justices of the peace the said recorder shall make a certificate thereof and cause it to be delivered to the county clerk, in the same manner as is required of township clerks; and in case two or more shall receive for the same office an equal number and not a plurality of votes given at

Annual election, when and where held.  
Who to be inspectors.  
To appoint clerks.  
Compensation.  
Elections, how conducted.  
Proviso as to certificates of election.  
Recorder to notify persons elected.  
To take oath.  
Proviso.  
In case of the vote.

Certain officers to give bonds.

such election, the common council shall immediately proceed to determine, by lot, between the persons so receiving the highest number of votes, which shall be considered elected to such office. The treasurer, marshal, superintendent of water works, electrician and the commissioner of streets and highways shall, before entering upon the discharge of their duties, give such security to the city of Negaunee as the common council shall direct; and in case any of the officers so elected shall neglect, for the term of ten days, to qualify as aforesaid, or to give security, the office shall thereby become vacant.

General law to govern registration.

SEC. 12. It shall be necessary to serve only three days' notice of registration, and the place of holding the same in all wards at the spring election to be held April sixth, eighteen hundred ninety-one, but in all elections thereafter the general laws of this State relative to the registration of voters in townships after eighteen hundred fifty-nine shall govern in the registration of voters under this act. Provided, That such boards shall be in session from eight o'clock in the morning until eight o'clock in the evening and the supervisors and aldermen shall constitute the board of registration for their respective wards, and any vacancy in such board shall be filled by any qualified elector of the ward to be appointed by the member or members present. The common council shall give at least ten days' notice of the time and place of the sittings of the board of registration by posting not less than three notices thereof in three public places in each ward. On the Saturday next preceding the general election to be held in the year nineteen hundred four, and every fourth year thereafter, there shall be a general re-registration, of the voters of the city, and the common council shall provide the books necessary for that purpose.

General re-registration.

Powers, duties, etc., of recorder.

To give bonds.

To keep records.

## CHAPTER VI.

SEC. 2. The recorder shall be clerk of the common council and shall perform all the duties and have all the statutory powers of a township clerk in respect to the filing and custody of all papers required to be filed and the performance of all statutory duties. He shall give such bonds as the common council may require. He shall keep a fair and accurate record of the proceedings of the common council and a record of all claims allowed by them. He shall also draw all orders on the treasurer for claims and accounts allowed by the common council, and, if required, keep an account, as near as may be, to which fund the same belongs; and he may have a clerk, who may perform all the duties aforesaid, and shall be known as the recorder's clerk. He shall record in the records of said city all official bonds after the same have been approved by the common council. The recorder shall be ex-officio clerk of the water works and electric light plants and shall receive therefor in addition to his salary as recorder, such compensation as the common council shall prescribe from time to time.

## CHAPTER XII.

SEC. 12. The mayor shall annually, on or before the first Monday of May in each year, appoint a librarian, who shall have charge of the city library, with such power as the common council shall from time to time prescribe. Such librarian shall take the constitutional oath of office within ten days after appointment and file the same with the recorder. He shall hold his office for one year, and until his successor is appointed and qualified, but may be removed at any time at the pleasure of the mayor, who may appoint another librarian in his stead, and such librarian shall receive a compensation to be determined by the common council, not more than six hundred dollars per annum, to be paid out of the general fund of the city. The common council shall, annually, raise not exceeding one thousand dollars for the purpose of buying books for said library, in addition to the moneys received from the county treasurer or license fund for such purpose. The common council shall also have power to otherwise maintain and improve said library, and may make rules for its government, location and management, when not inconsistent with the provisions of this section. The books of said library shall always be free to all residents of the said city who have children going to school in said city or who pay school taxes in said city, under such regulations and limitations as the common council may prescribe. The common council may in its discretion, delegate the control and management of the public library to the board of school inspectors.

Council to  
raise money  
for books.

To be free  
library.

This act is ordered to take immediate effect.

Approved March 26, 1903.

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[No. 361.]

AN ACT to provide for the compulsory education of children in the township of Osceola, county of Houghton, Michigan.

*The People of the State of Michigan enact:*

SECTION 1. That every parent, guardian, or other person in Osceola township, in Houghton county, Michigan, having control and charge of any child or children between the ages of seven and sixteen years, shall be required to send such child or children to the public schools of said township, beginning on the first Monday of the first term of each year, and such attendance shall be consecutive until each and every pupil between the ages of seven and sixteen years shall have attended school the entire school year previous to the thir-

Parents, etc.,  
to send chil-  
dren to  
school.

**Proviso as to private schools.** tieth day of June in each school year: Provided, If it is shown that any such child or children is or are being taught in a private school in such branches as are usually taught in the public schools, or have already acquired the ordinary branches of learning taught in public schools up to and including the eighth grade, or if the person or persons in parental relation to such child or children present a written statement that such child or children is or are physically unable to attend school, the truant officer or district board may employ a reputable physician to examine such child or children, and if such physician shall certify that such child or children is or are physically unable to attend school, such child or children shall be exempt from the provisions of this act: Provided further, That the several school boards may, on the recommendation of the superintendent of schools and of the truant officer, exempt children over fourteen years of age from attendance at school for either a part or for the whole of the time until they shall severally reach the age of sixteen years.

**Further proviso as to exemptions.**

**Duties of truant officer.**

**Penalty for failure to comply with law.**

SEC. 2. It shall be the duty of the truant officer to investigate all cases of truancy or non-attendance at school and render all service within his power to compel children to attend schools. In case of continued non-attendance, he shall immediately notify the persons having control of such children that such children shall, upon the following day, present themselves with the necessary text-books for instruction, in the proper school or schools of the township. The notice shall inform said parent or guardian that attendance at school must be continuous. In case such parent or guardian shall fail to comply with the demands of such notice it shall be the duty of the truant officer to make complaint against such person having legal charge and control of such children before a justice of the peace in the township or township adjoining where the party resides, of such refusal or neglect, and said justice of the peace shall issue a warrant upon said complaint and shall proceed to hear and determine the same, and in case of conviction thereof the said person shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than two or more than ninety days, or both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved March 26, 1903.

## [No. 362.]

AN ACT to amend section six of an act, entitled "An act to incorporate the Michigan and Huron Institute," approved March twenty-first, eighteen hundred thirty-seven, being act number one hundred five, as amended by act number three hundred thirty-six of the Local Acts of eighteen hundred seventy-seven.

*The People of the State of Michigan enact:*

SECTION 1. Section six of act number one hundred five of the Session Laws of eighteen hundred thirty-seven, entitled "An act to amend an act to incorporate the Michigan and Huron Institute," approved March twenty-first eighteen hundred thirty-seven, as amended by act number three hundred thirty-six of the Local Acts of eighteen hundred seventy-seven, be amended so as to read as follows:

SEC. 6. Said corporation may receive by purchase, gift, grant or donation for the use and benefit of said corporation, any real estate, money or personal property, and said corporation may hold the real estate, money or personal property so acquired. *May hold real estate.*

This act is ordered to take immediate effect.

Approved March 26, 1903.

## [No. 363.]

AN ACT to change the name of Little Clam Lake, in the county of Wexford, to Lake Cadillac.

*The People of the State of Michigan enact:*

SECTION 1. The name of Little Clam Lake, in the county of Wexford, is hereby changed to Lake Cadillac. *Name changed.*

This act is ordered to take immediate effect.

Approved March 26, 1903.

## [No. 364.]

AN ACT to change the name of Big Clam lake, in the county of Wexford, to Lake Mitchell.

*The People of the State of Michigan enact:*

SECTION 1. The name of Big Clam lake, in the county of Wexford, is hereby changed to Lake Mitchell. *Name changed.*

This act is ordered to take immediate effect.

Approved March 26, 1903.

## [No. 365.]

**AN ACT to authorize the township board of the township of Case, Presque Isle county, to borrow money to pay its indebtedness and to issue bonds for the payment of the same**

*The People of the State of Michigan enact:*

**Bond issue by township.**

SECTION 1. The township board in the township of Case in Presque Isle county, is hereby authorized and empowered to borrow a sum of money not exceeding two thousand five hundred dollars, on the faith and credit of said township, and to issue its bonds therefor payable at a time or times not exceeding six years from the date thereof, and at a rate of interest not exceeding six per cent per annum, which money shall be expended for the purpose of paying the indebtedness of the said township of Case, upon certain judgments rendered against the township of Rogers on certain bridge bond when the said township of Case was in part incorporated in the said township of Rogers, and for no other purpose.

**Board to provide tax for payment.**

SEC. 2. It shall be the duty of the township board of said township to provide by tax for the payment of the interest on the bonds so issued as the same shall accrue each year, which tax shall be certified, levied and collected in the same manner as other township taxes.

**Payment of bonds.**

SEC. 3. It shall be the duty of the township board of said township of Case to provide for the payment of said bonds at the time or times when the same shall become due and payable by the levying of a tax for that purpose upon the taxable property of said township; the moneys collected on such levy shall constitute a separate fund, and shall be applied to the payment of said bonds and to no other purpose.

**Interest, when payable.**

SEC. 4. The interest on said bonds shall be payable annually on the first day of March in each year.

**Right to issue, when to terminate.**

SEC. 5. The right to issue bonds under the provisions of this act shall terminate on the first day of October in the year one thousand nine hundred and three.

**Amount limited.**

SEC. 6. The aggregate amount of the bonds issued by said township board shall be strictly limited to the amount owing by said township of Case upon such judgment indebtedness as the same has been awarded to said township, and the accrue interest thereon at the time of such issue.

**Denomination, when to mature, etc.**

SEC. 7. Such bonds shall be issued in denominations of one hundred dollars each, and not more than five of such bonds shall mature in any one year, nor shall any of them mature before March first, nineteen hundred four.

**Question to be submitted to electors.**

SEC. 8. No such bonds shall be issued unless a majority of the taxpaying electors of said township, voting at a township meeting, a general election or special election, duly called at a time to be fixed by said township board, which election shall be held at the same place as the last preceding township election was held and conducted in the same manner hereinafter provided, shall so determine and the said township board is hereby authorized and empowered to submit the question to

said bonding to the qualified voting taxpayers of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in writing or printed notices to be posted in five public places in said township at least twenty days before the time fixed by the said board of such election, which notice shall state the amount of money proposed to be raised by such bonding and the purpose to which it shall be applied.

SEC. 9. The vote on such proposition shall be by a printed ballot and shall be in the following words:

“For the issuing of township bonds for the payment of indebtedness—Yes. [ ]”

“For the issuing of township bonds for the payment of indebtedness—No. [ ]”

The election shall be conducted and the votes canvassed in all respects as in other township elections and immediately upon the conclusion of such canvass the inspectors of election shall make and sign the certificate showing the whole number of votes cast upon such proposition and upon each of them and the number for and against each of said proposition respectively. And said inspectors shall endorse upon such certificate a declaration in writing of the result of such election which certificate and declaration shall then be filed with the clerk of said township and a copy of said certificate and declaration certified to by said township clerk shall be filed by him with the county clerk of the county in which such township is located.

SEC. 10. If such loan be authorized by a majority of the taxpaying electors voting at such election, said bonds may be issued as provided in section one of this act. Said bonds shall be signed by the township board, countersigned by the treasurer and negotiated by and under the direction of said board, and the moneys arising therefrom shall be used for the purpose of paying the indebtedness mentioned in section one of this act.

This act is ordered to take immediate effect.

Approved March 26, 1903.

[No. 366.]

AN ACT to authorize and empower the public schools of the village of Addison, Lenawee county, to borrow a sum of money not exceeding five thousand dollars in excess of the maximum amount now allowed by law, for the purpose of purchasing a schoolhouse site, building a schoolhouse and equipping and furnishing the same.

*The People of the State of Michigan enact:*

SECTION 1. The “public schools of the village of Addison,” when may in Lenawee county, may, by a two-thirds vote of the qualified issue bonds.

How money expended.

Proviso.

electors of said district at any annual meeting or at any special meeting called for that purpose, borrow money and issue its bonds therefor, in a sum not exceeding five thousand dollars in excess of the maximum amount now allowed by law for the purpose of purchasing a schoolhouse site, building & schoolhouse and equipping and furnishing the same: Provided, That the time for the payment of any bonds issued by virtue of this act shall not be extended beyond the term of ten years.

This act is ordered to take immediate effect.

Approved March 26, 1903.

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[No. 367.]

AN ACT to provide salary of, and for appointment of clerk for, the county commissioner of schools for the county of Wayne.

*The People of the State of Michigan enact:*

Auditors to provide rooms, etc., for commissioner.

SECTION 1. The county auditors of Wayne county shall provide suitable rooms for the county commissioner of schools of said county and also the necessary furniture, heat, light books, blanks and stationery, for the use of said commissioner and clerk.

Salary of.

SEC. 2. Said commissioner of schools shall be entitled to receive from the treasury of the county of Wayne an annual salary of two thousand dollars, payable monthly, on the certificate of said county auditors.

Who to appoint clerk.

SEC. 3. There shall be one clerk for said county commissioner of schools of Wayne county, who shall be appointed by said auditors on the making and filing with them the written recommendation of said commissioner; but if, for any reason, no recommendation be so made and filed within ten days after this act shall go into effect, and within ten days after the first day of July in each year thereafter, the said board of auditors may, upon their own motion, with the same effect as if such recommendation had been so made and filed by said commissioner, appoint such clerk, and his term of office shall be one year, dating from the first day in July in each year, and said clerk shall receive such annual salary as shall be fixed by said board of county auditors, payable monthly, from the treasury of said county, for the faithful discharge of the duties of said office.

Term of office, salary, etc.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved March 26, 1903.

## [No. 368.]

**A**N ACT to authorize school district number one of the township of Vevay and city of Mason, in the county of Ingham and State of Michigan, to borrow money and issue bonds therefor, the proceeds of which are to be used for the purchase of real estate to be used as an addition to the schoolhouse site and for construction of a schoolhouse for the use of said district.

*The People of the State of Michigan enact:*

SECTION 1. The district board of school district number one District board may borrow money. of the township of Vevay and city of Mason, in the county of Ingham and State of Michigan, is hereby authorized to borrow money on the faith and credit of said school district and issue bonds therefor to an amount not exceeding twenty-five thousand dollars, which shall be expended for the purchase of real estate to be used as an addition to its schoolhouse site and for the erection of a schoolhouse for the use of said district: How used. Pro. Proviso. Provided, That said loan shall first be authorized by a vote of the qualified electors of said school district as hereinafter provided.

SEC. 2. The conditions of said bonds and the method of calling and conducting the meeting of the qualified electors to vote thereon, shall be governed by the general law, applicable to the bonded indebtedness of school district and the calling of meeting of qualified electors thereof.

This act is ordered to take immediate effect.

Approved March 26, 1903.

## [No. 369.]

**A**N ACT to authorize the village of Vicksburg, in Kalamazoo county, to provide for the care and management of its electric light plant and water works system, by means of a board of commissioners.

*The People of the State of Michigan enact:*

SECTION 1. The village council of the village of Vicksburg, in Kalamazoo county, is hereby authorized to provide for the care and management of the electric light plant and water works system of said village, by means of a board of electric light and water works commissioners, at such time as the said village council shall have adopted an ordinance prescribing the powers, duties and limitations of a board of electric light and water works commissioners.

SEC. 2. The village council may from time to time, as they shall deem the best interests of the village require, amend the ordinance providing for said board of electric light and

Council may provide for board.

May regulate by ordinance.

water works commissioners, and define their powers, duties and limitations.

**Board, how constituted, elected, etc.** SEC. 3. The board of electric light and water works commissioners, when duly provided for by ordinance as aforesaid, shall consist of three members, who shall be nominated by the president of the village and confirmed by at least a two-thirds vote of the members elect of the council of said village. In making his nominations of persons to constitute the first board of electric light and water works commissioners, the president of the village shall name one to hold office for one term of office. year, one for two years and one for three years. The term of office shall be for three years and shall date from the first Monday in April, and it shall be the duty of the president of the said village to nominate to the council each year following the organization of the said board, one member of said board to fill the vacancy to be caused by the expiration of a term of office. In case of vacancy on said board caused by death, resignation or removal from said village, a new member shall be appointed to fill the unexpired term by nomination and approved, as in the case of appointment for a full term.

**Vacancy, how filled.**

This act is ordered to take immediate effect.

Approved March 26, 1903.

[No. 370.]

AN ACT to grant additional corporate powers to the village of Portland.

*The People of the State of Michigan enact:*

**May appoint lighting and water works superintendent.**

SECTION 1. The council of the village of Portland may, should it be deemed for the best interests of said village, employ superintendents for the electric lighting and water works plants of said village. Said superintendents, if they shall be appointed, shall perform such duties and have such powers now belonging to the clerk of the said village as may be from time to time conferred upon them by the council by either ordinance or resolution.

**Powers, duties, etc.**

SEC. 2. The president and trustees of said village may receive compensation for their services to the amount of not to exceed seventy-five dollars each per annum if each individual shall attend all regular and special meetings of the council, but in case they fail so to do the sum of one dollar and fifty cents shall be deducted from the said seventy-five dollars for each meeting from which the said president or any trustee may have been absent during the year. All other officers of the said village, except where other provision is made by law regulating fees for services, shall be entitled to such compensation only as the council shall prescribe: Provided, The provisions of this section shall be operative only when the

**Compensation of certain officers.**

**Proviso.**

said council shall have submitted to the qualified electors of said village the question of salary for the president and trustees, in form provided by law and such proposition shall have been approved by a majority of the voters of said village voting thereon.

**SEC. 3.** The council of the said village of Portland may submit to the electors of said village at any annual election held therein the proposition for the electing of a board of public works, by the electors of said village, and the fixing of their term of office, whenever a petition shall be filed with the council signed by not less than twenty-five freeholders of said village, asking that the question be submitted to the determination of the electors of said village. Such board of public works, if it shall be determined upon by the electors of the village, shall consist of three resident freeholders of the village and shall perform such duties and have such powers as may be determined by ordinance of said village, and shall receive such salary as shall be from time to time determined by the council.

Question of  
creating  
board of pub-  
lic works to  
be submitted  
to electors.

**SEC. 4.** The council shall make all necessary rules for the government, care and safety of all property and premises owned or controlled by said village, whether within or without the corporate limits of said village.

This act is ordered to take immediate effect.

Approved March 26, 1903.

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[No. 371.]

AN ACT to provide for the election of county drain commissioners in the counties of Eaton and Van Buren.

*The People of the State of Michigan enact:*

**SECTION 1.** At the regular biennial election to be held on ~~when elected~~ the Tuesday succeeding the first Monday in November, nineteen hundred four, and each two years thereafter, there shall be chosen in the counties of Eaton and Van Buren, by the qualified electors thereof, on the same ticket as the other county officers, a county drain commissioner, whose term of office shall begin on the first day of January following his election, and continue for two years. Before entering on the ~~term of office~~ ~~To take oath.~~ duties of his office, each of said duly elected drain commissioners shall take and file with the county clerk a constitutional oath of office, and shall also file a bond in the penal sum of ten thousand dollars, conditioned on the faithful discharge of the duties of his office, which bond, before filing, shall have been approved by the board of supervisors. It shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of a county

~~To take oath.~~

~~To give bond.~~

**Vacancy, how filled.** drain commissioner, as a part of his report of the election and qualification of the county officers. In case of a vacancy in the office of county drain commissioner, caused either by resignation, removal from the county or death, it shall be the duty of the judge of probate for the county where such vacancy occurs to fill the vacancy by appointment under his hand and seal.

Approved March 26, 1903.

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[No. 372.]

AN ACT to amend sections one and three of chapter three; section three of chapter four; section three of chapter eight; section one of chapter thirteen; sections one, nine and ten of chapter fourteen; sections two, seven, eight and nine of chapter nineteen; sections eleven, thirteen and fourteen of chapter twenty; section one of chapter twenty-two and section ten of chapter twenty-six of an act, entitled "An act to incorporate the city of Flint and to repeal all acts and parts of acts inconsistent herewith," approved March twenty-first, nineteen hundred one; and to add nine new sections thereto to stand as section six of chapter six and sections sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three of chapter twenty-six; and to add one new chapter thereto to stand as chapter twenty-seven, and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

**Sections amended.**

SECTION 1. Sections one and three of chapter three, section three of chapter four, section three of chapter eight, section one of chapter thirteen, sections one, nine and ten of chapter fourteen, sections two, seven, eight and nine of chapter nineteen, sections eleven, thirteen and fourteen of chapter twenty, section one of chapter twenty-two and section ten of chapter twenty-six of an act, entitled "An act to incorporate the city of Flint and to repeal all acts and parts of acts inconsistent herewith," approved March twenty-first, nineteen hundred one, are hereby amended to read as follows, and that nine new sections be added thereto to stand as section six of chapter six and sections sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three of chapter twenty-six, and that one new chapter be added thereto to stand as chapter twenty-seven as follows:

### CHAPTER III.

#### OFFICERS AND ELECTIONS.

SECTION 1. The annual election under this act shall be held on the first Monday of April in each year, at such place in each of the several voting precincts as the common council shall designate. Notice of such election shall be given by the city clerk in the official paper of the city, at least eight days before the election. At such election there shall be chosen in and for said city the following officers, to wit: One mayor, one city clerk, one city attorney, one treasurer, one health officer and one city assessor. The mayor, city clerk, city attorney, treasurer and health officer shall be elected to hold their several offices for the year and until their successors shall be elected and qualified. The city assessors shall hold their offices for three years and until their successors shall be elected and qualified. There shall also be elected at the same time and upon the same ticket, in and for each of the wards of said city, one supervisor, one alderman and one constable. The supervisors and constables shall hold their offices for one year and until their successors shall be elected and qualified. The aldermen shall hold their offices for two years, and until their successors shall be elected and qualified: Provided, That at the charter election in the year nineteen hundred three, there shall be elected three members as a board of assessors for said city, one to be elected for one year, one for two years, and one for three years. And the term for which they shall be elected, respectively, shall be designated upon the ballots therefor. Thereafter one member of said board of assessors shall be elected each year. If at the time of said annual election there shall be a vacancy in any of said offices, it shall be filled at said election for the remainder of the unexpired term, upon the same ticket, but the name of the candidate therefor shall be designated by the word "vacancy" following. The treasurer shall not be eligible to hold office longer than two in any consecutive years.

SEC. 3. The supervisors and aldermen of each ward shall always be inspectors of election, and serve when not disqualified, and shall be assigned by the council to the voting precinct in which they shall act, and one of them shall always be assigned to each voting precinct. The several boards of inspectors shall be completed by appointment of competent electors residing in the precinct in which they are to act, and when appointed not more than two members of each of said boards shall belong to the same political party. At any election, in case of the absence or disqualification of one or more such inspectors, the electors present shall choose viva voce from their number one or more to fill such vacancies. The members of such board shall take the constitutional oath, which may be administered by either of said inspectors or by any justice of the peace or notary public. They may at such election appoint two clerks to assist them in conducting the elec-

Annual elec-  
tion, when  
held, etc.

Officers  
chosen at.

Proviso as to  
board of  
assessors.

When vacan-  
cies to be  
filled at.

Inspectors of  
election, how  
elected, etc.

To take oath.

May appoint  
clerks.

**Manner of conducting elections.**

tion, not more than one of whom shall belong to the same political party with the majority of the board. The manner of conducting all elections and canvassing the votes, and the qualification of electors in the several voting precincts, except as otherwise herein provided, shall be the same as that of townships, the words "voting precinct" instead of "township" being used in the oath administered to an elector in case his vote shall be challenged. At such charter election the said precinct inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the city, and also one certificate of votes given for each person for the several offices to be filled in and for their wards, which certificates shall be immediately filed in the office of the clerk of said city, and upon the Thursday next following the day of said election, at two o'clock p. m., the common council shall meet at the council room to canvass said returns, which said clerk shall thereupon lay before them. They shall then and there determine who, by the greatest number of votes given in the several precincts at such election, are duly elected to fill the respective city offices, and also who by the greatest number of votes given in each ward at such election are duly elected to fill the respective ward offices, and it shall be the duty of said clerk immediately after such determination, to cause notice to be given to each of the persons so elected, of their election, either personally or by mail. Each of said officers so elected and notified, shall within ten days thereafter take and subscribe the constitutional oath of office before some person authorized to administer oaths, and deliver the same to said clerk, who shall file it in his office. Said clerk shall also make a certificate of the election of the justice or justices, and cause it to be delivered to the county clerk, in the same manner as is required of township clerks.

**Council to determine persons elected.****Officers elected to take oath.****In case of tie vote.**

In case two or more persons shall receive for any office an equal number of votes, and a plurality of the votes given at such election, the common council shall immediately proceed to determine by lot between the persons so receiving the highest number of votes, which shall be considered elected to such office. The term of office of said city and ward officers (except justice of the peace) shall commence on the next day after such canvass and decision. In case any of the officers so elected shall neglect, for the term of ten days after being notified, to qualify as aforesaid or give the required security, the office shall thereby become vacant.

#### CHAPTER IV.

**How mayor may remove certain officers.**

SEC. 3. The mayor; by and with the consent of the council, by a majority vote of the aldermen elect, may remove any officer or member of any board appointed by him, or any officer chosen under the provisions of section five, chapter three of this chapter, at any time whenever he shall deem it for the best interests of the city. He shall have authority at all reasonable times to examine and inspect the books, records and

**May inspect books, etc.**

papers of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

## CHAPTER VI.

### TREASURER.

SEC. 6. The city treasurer shall add to and collect the additional three per cent required to be collected on all taxes on the general tax roll not paid on or before the tenth day of January in each year and in like manner the additional three per cent required to be collected on all special assessment rolls where the tax is not paid within the first forty days after the date of the warrant. The said three per cent to belong to the city and to be credited to the contingent fund. The treasurer shall be held personally and officially responsible to the city for these collections and in no case shall have power to remit any portion of the same.

*When treasurer to collect additional per cent.*

## CHAPTER VIII.

SEC. 3. The said board shall appoint a chief of police and other officers and such number of policemen with pay as the common council may provide for the payment of, and such number of watchmen without pay as the said board shall deem expedient. The chief of police and other officers, policemen and watchmen shall hold office during the pleasure of the board of police commissioners. A majority vote of said board shall be sufficient at any time to remove the chief of police, or any of said officers or policemen, summarily, or for any reason set forth in section one. In time of special emergency or apprehended danger from riot or other causes of alarm, said board may appoint as many patrolmen, with or without compensation, as they may deem expedient. No person shall be appointed to any position by said board who is not a citizen of the United States, and who has not resided in said city at least one year next preceding said appointment. The chief of police shall have power to suspend any policeman on the force, for any disobedience of the rules of the board, or the orders of said chief, committed in the presence of said chief; he shall at once report such action, with his reasons therefor, to the police board. The pay of such suspended policeman shall cease from the day of such suspension, until restored by the board.

*To appoint chief of police, etc.*

*How may remove.*

*Powers of chief.*

## CHAPTER XIII.

### COMPENSATION OF OFFICERS.

SECTION 1. The mayor and aldermen of said city shall be Mayor, etc. Paid one hundred dollars each per year, payable quarterly. The Clerk, city clerk, city attorney and health officer shall each receive

**Treasurer.** such salary, payable monthly, or quarterly, as the common council shall by resolution determine. The city treasurer shall receive one per cent upon all taxes or assessments collected by him, which shall be in full payment for all services as such treasurer. **Supervisors.** The supervisors for their services shall receive two dollars per day for the time actually spent, and the members of the board of review the same compensation per day. Every city official whether elective or appointive, who is to be paid by the day for his services, shall render his account, giving the date of each day's service for which he claims pay, and shall make oath to the correctness of the same; and without such statement and oath his account shall not be paid. The salaries of the mayor, aldermen, city clerk, city attorney, health officer, members of the board of health, supervisors, members of the board of review, city assessors and members of the registration and election boards, shall be paid from the official salary fund. The salaries of all other city officials and employes shall be paid from the funds of the department in which they are employed. The compensation of all other officers and employes of said city, including the members of the police and fire departments, shall be such as the common council may determine. **Funds from which salaries paid.**

## CHAPTER XIV.

### COMMON COUNCIL.

**How constituted.** SECTION 1. The mayor and aldermen when assembled together and duly organized, shall constitute the common council of the city of Flint, and a majority of the aldermen elected shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time. The common council shall meet in regular session, in the common council room, on the second Monday of each month, and at such other times as it may by rule determine. It may be called together in special session by the mayor, or by the clerk on petition of not less than three aldermen, but shall transact only such business, at such special meeting, as shall be named in the call, which call shall be in writing, and served by the chief of police or one of his subordinates, personally on the aldermen, or by leaving the same at their residence not less than four hours before such meeting is to be held. The mayor shall be president of the council, and preside at all meetings when present. At the first regular meeting in May, or as soon thereafter as may be convenient, the council shall choose one of their number president pro tem., who shall preside in the absence of the mayor, and for the time being shall exercise the powers and discharge the duties of the president. He shall always be entitled to vote. The clerk shall not in any case be entitled to a vote in the council. All meetings and sessions of the council shall be in public. No office shall be created or abolished, nor any special tax or assessment be imposed, street, alley or public ground be vacated, real estate or

**When to meet.**

**Special sessions, how called.**

**Who to be president.**

**President pro tem.**

**Actions requiring two-thirds vote.**

any interest therein sold or disposed of, or private property taken for public use, unless by a concurring vote of two-thirds of all the members elect; nor shall any vote of the council be reconsidered at a special meeting, unless there be present as many members as were present when such vote was taken. No money shall be expended except by ordinance or resolution of the council, nor shall any resolution or motion be passed or adopted, bonds approved or other business done except by a vote of a majority of all the members elect, except as herein-otherwise provided. The mayor shall not vote upon any question, but he may disapprove of any ordinance or resolution, provided he shall as soon as the next regular meeting, return the same to the council with his objections in writing, in which case the same shall not take effect unless the council on such return, shall by a vote of two-thirds of all the members elect again pass the same; and on such two-thirds vote, such ordinance or resolution shall have the same force and effect as though the same had not been disapproved by the mayor.

Mayor's veto.

SEC. 9. Whenever the common council shall by resolution declare that it is expedient for said city to issue bonds, to acquire by purchase, or to construct as the case may be, works for the purpose of supplying said city, and the inhabitants thereof, or either with water, or with electric lights, the council shall direct the city engineer to cause to be made and recorded in the clerk's office, an estimate of the expense thereof; and he shall submit the same to the common council. The question of bonding said city for said purpose, shall be submitted to the tax-paying electors of the city, at its annual election, or at a special meeting of said tax-paying electors, called for that purpose by the council, as provided in section three of chapter nineteen of said act, and shall be determined as a majority of the tax-paying electors voting at such election by ballot shall decide. The council shall have power to fix the time and place of payment of the principal and interest of the debt contracted under the provisions of this section, but the rate of such interest shall not exceed four per cent per annum, and such bonds shall not be sold for less than their par value.

Question of  
issuing bonds  
to be submitted  
to electors.

SEC. 10. The common council in addition to the duties specially conferred upon them in this act, shall have power within said city to enact, continue, establish, modify, annul and repeal such ordinances, by-laws and regulations as they may deem desirable within said city for the following purposes:

Council may  
fix time of  
payment.

First. To prevent vice and immorality, to preserve public peace and good order, to organize, maintain and regulate a police force of the city, to prevent and quell riots, disturbances and disorderly assemblies, to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

May pass cer-  
tain ordi-  
nances.

Second. To prevent, restrain and suppress all disorderly houses and places, houses of ill-fame, assignation houses, and

Relative to  
preserving of  
peace.Disorderly  
houses, etc.

to punish the keepers thereof and dwellers therein and all who resort thereto for purposes of prostitution, or to associate with prostitutes;

**Gambling.** Third, To prohibit, restrain and prevent persons from playing for money or other valuable things with cards, dice, wheels of fortune, boxes, machines or other instruments or devices whatsoever in any saloon, bar-room, grocery store, shop or in any other places in said city, to punish the persons keeping the place, instruments, devices or means of such gaming, and to provide for and compel the destruction of such instruments, machines or other devices whatever, used or intended to be used for gaming as aforesaid;

**Liquors.** Fourth, To prohibit the selling or giving of any spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, or any minor or apprentice;

**Sabbath.** Fifth, To prevent the violation of the Sabbath the disturbance of any religious congregation, or any other meeting assembled for any lawful purpose;

**Obscene exhibitions.** Sixth, To prohibit and prevent in the streets or elsewhere in said city, any lewd and lascivious behavior, or any indecent exposure of the person, the show, sale or exhibition for sale of any indecent or obscene pictures, drawings, engravings, paintings, books or devices, or any written or printed or other thing containing obscene, scurrilous or scandalous matter, and all indecent or obscene exhibitions and shows of every kind;

**Nuisances.** Seventh, To prohibit or prevent any person from bringing, depositing or leaving within the limits of said city, or within one-half mile distant therefrom, or keeping or having on the premises owned or occupied by them in said city, any dead carcass, putrid or unsound meat, fish, hides, skins, or any article, substance or thing that is unwholesome or offensive; or the trying or rendering any unwholesome, putrid or offensive tallow, lard or meats in said city, and to authorize the removal or destruction thereof by some officer of said city; or to compel any person so bringing, depositing, or leaving the same within the limits of said city or within one-half mile therefrom, or having or keeping the same on the premises owned or occupied by them in said city, to remove the same; to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city, and to direct the location of all slaughter houses and markets;

**Explosives.** Eighth, Concerning the buying, carrying, selling, storing and using of dynamite, gunpowder, or other combustible materials, and the exhibition of fireworks, the use of lights in barns, stables and other buildings, and to regulate or prohibit the discharge of firearms within the limits of the city, or the making of bonfires in streets or yards;

**Racing.** Ninth, To prevent and punish horse racing and immoderate

riding or driving in any street or alley, and to authorize the stopping and detaining of any person who shall be guilty of immoderate riding or driving in any street or alley in said city;

Tenth, To provide for or compel cleaning the highways, Highways, streets, lanes, alleys, public grounds, crosswalks and sidewalks of said city of dirt, filth, snow and other substances; to prohibit and prevent the encumbering thereof with boxes, signs, posts and all other materials and things whatsoever, and to remove the same therefrom, and to prevent any encroachments upon any street, and to provide for the removal of such encroachments; to prevent the exhibition of signs upon canvas or otherwise in or upon any vehicle standing or traveling upon the streets or public grounds of said city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs and articles of merchandise therefrom; to prohibit and prevent all practices, amusements and doings having a tendency to frighten horses and teams, or dangerous to life, person or property; to remove or cause to be removed all walls and other structures that may be liable to fall so as to endanger life and property; to control, regulate and prescribe the manner in which the highways, streets, lanes, alleys, public grounds and spaces within said city shall be used and enjoyed; to regulate, restrict or prohibit the use of bicycles and tricycles upon any and all sidewalks in the city of Flint; to limit the speed at which bicycles, tricycles, or any other vehicle propelled by hand or foot, or both, may be used in the streets;

Eleventh, The common council shall have power to provide for and change the location and grade of street crossings of any railroad track and to compel any railroad company or street railway company to raise or lower their railroad track to conform to street grades which may be established by the city from time to time, and to construct street crossings in such manner and with such protection to persons crossing thereat as the council may require, and to keep them in repair. Also to determine and designate the routes and grades of any railroad track to be laid in said city and to prevent the changing of any such grade at any street crossing without the consent of the council, and to restrain and regulate the use of locomotives, engines and cars and the shunting and switching thereof on or across any of the streets, lanes or alleys in said city upon any of the railroads within said city. Also to require and to compel railroad companies to keep flagmen and watchmen at all railroad crossings of streets and to give warning of the approach and passage of trains thereat, and to light such crossings during the night, and to regulate and prescribe the speed of all locomotives, railroad trains and street railway cars within said city, but such speed shall not be required to be less than five miles per hour, and to impose a fine of not less than five or more than one hundred dollars upon the company and upon any engineer or conductor violating any ordinance regulating the speed of trains;

Grade cross-  
ings of rail-  
roads.

**May cause railroads to maintain drains, etc.**

Twelfth, The council shall have power to require and company railroad company and any street railway company to keep open and in repair such ditches, drains, sewers and vents along and under or across their railroad tracks as may be necessary to drain their grounds and right of way provided in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company neglect to perform such regulations according to the direction of the council, the council may cause the work to be done at the expense of such company and the amount of such expense may be collected at a suit of the city against the company in a civil action before any court having jurisdiction of the case.

**Waters of Flint river.**

Thirteenth, To preserve the salubrity of the waters of Flint river and other streams within the limits of said city to prohibit or regulate bathing therein, and to provide for cleansing the same of driftwood and other obstruction which may fill up all low ground or lots covered or partially covered by water within the limits of said city, or to drain the same as may be deemed expedient;

**Regulate sports, exhibitions, etc.**

Fourteenth, To prohibit, restrain, license and regulate sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other performances and exhibitions for money;

**Vagrants, etc.**

Fifteenth, To restrain and punish drunkards, vagrants, street beggars and other disorderly persons;

**Employment of prisoners.**

Sixteenth, To employ all persons imprisoned for the payment of any fine, penalty, forfeiture, or costs, or for offense under this act or any ordinance of the common council of the city of Flint in a city lockup or in the jail of Genesee county, at work or labor upon the streets of said city, or upon public work under the control of said council;

**Fraudulent games.**

Seventeenth, To prohibit and suppress mock auctions and every kind of fraudulent game, device or practice, and to prohibit all persons managing, using, practicing or aiding in management and practice thereof;

**Auctioneers.**

Eighteenth, To license auctioneers, auctions and sales at auction, to regulate or prohibit the sale of live or dead animals at auction, upon the streets, alleys or public grounds in said city; to regulate or prohibit the sale of goods, wares, property or anything at auction, or by the manner of public biddings, or offers by the buyer or seller after the manner of auction sales or Dutch auctions, and to regulate the fees paid by auctioneers, but no license shall be required in case of sales required by law to be made at auction or public sale;

**Sale of meats, etc.**

Nineteenth, To prohibit and suppress the sale of every kind of unsound or unwholesome meat, poultry, fish, vegetables and other articles of food and provision, and to punish all persons who shall knowingly sell the same or offer or keep the same for sale;

**Weights and measures.**

Twentieth, To provide for the inspection and sealing of weights and measures, and to enforce the keeping of proper weights and measures by vendors;

Twenty-first, To provide for the protection and care of Paupers, paupers, and to prohibit and prevent all persons from bringing to said city from any other place any pauper or other person likely to become a charge upon said city or on the public, and to punish therefor;

Twenty-second, To provide for the burial of strangers and Burial of poor deceased persons; paupers.

Twenty-third, To protect and regulate all public graveyards Graveyards. Within the city limits or adjacent thereto belonging to said city, and all grounds procured, or that may be procured for the purpose of public burial, and to compel the keeping and returning of bills of mortality; and may cause the same to be vacated and the remains of persons buried therein to be removed under such restrictions and regulations as they may prescribe: Provided, Proviso. No burial grounds shall be vacated until the question of vacating the same shall be submitted to and approved by a vote of the electors of said city, at some special election to be held at such time and conducted in such manner as the common council shall prescribe;

Twenty-fourth, To provide for public parks and squares; Parks, etc. make, grade, improve and adorn the same; to care for all grounds in said city belonging to or under the control of said city, and to regulate and use the same consistently with the purposes and objects thereof;

Twenty-fifth, To regulate and establish the line upon which buildings may be erected on any street, lane or alley of said city and to prevent such buildings being erected nearer the street than said line; Building lines.

Twenty-sixth, To establish, order and regulate the markets, Markets and to prohibit forestalling the same, to regulate the vending of wood, meats, vegetables, fruits, fish and provisions of all kinds, and prescribe the time and place for selling the same;

Twenty-seventh, To establish and regulate one or more Pounds. pounds, and to restrain and regulate the running at large of horses, cattle, swine or other animals, geese, poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;

Twenty-eighth, To prevent or regulate the running at large Dogs. of dogs; to impose taxes on the owner of dogs, and to prevent dog fights in the streets;

Twenty-ninth, To regulate the ringing of bells, and the crying Disturbing noises. of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Thirtieth, Concerning the lighting of the streets and alleys, Lighting. and the protection and safety of public lamps;

Thirty-first, To establish, regulate and preserve public reservoirs, wells and pumps; to provide an adequate supply of water for fire purposes, for lawn and street sprinkling, and also of water fit for domestic use, and to prevent the waste of water; Water works.

Thirty-second, To adopt rules and regulations for cartmen Drays, etc. and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and

Soliciting of passengers. their fees and compensation, and the fees to be paid by them into the city treasury for license;

Peddlers. Thirty-third, To prevent runners, stage drivers, and others from soliciting passengers or others to travel or ride in any stage, omnibus or railroad, or to go to any hotel or otherwheres;

Carriage stands. Thirty-fourth, To license, regulate and restrain hawking and peddling in the streets; to license and regulate pawnbrokers and auctioneers;

Bonds of officers. Thirty-fifth, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city, and to regulate the sale thereof;

Saloons. Thirty-sixth, To prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same in cases not otherwise provided for by law;

Powers and duties of city officers. Thirty-seventh, To restrain, license and regulate saloons and other places where intoxicating or spirituous liquors or malt, brewed, fermented spirituous, or vinous liquors are sold or to be sold, and to regulate and prescribe the location thereof; to forbid and prevent the vending or other disposition of any intoxicating liquors in violation of the laws of the State;

City jail. Thirty-eighth, To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies;

Fire limit. Thirty-ninth, The common council shall have power to provide for, or to construct and maintain a city jail or lockup, and to provide by ordinance or resolution for the control and management of the same and the confinement of persons therein;

Automobiles. Forty-first, To regulate and control the running or operating of automobiles, or self-propelling machines, or vehicles upon or along the streets, lanes and alleys of the city;

Streets. etc. Forty-second, The common council is hereby invested with full power and control over any and all streets, lanes, alleys and public places within the city, and said council may provide for the repair and improvement of the same in such manner and with such material as it shall determine to be for the best interests of the city, and all taxes and assessments for highway and street purposes shall be expended thereon as the common council shall order and direct. The council shall provide adequate and careful inspection of said streets, lanes, alleys and public places, and all sidewalks and cross-walks therein and keep the same and all parts thereof in repair;

**Forty-third, And further, they shall have authority to enact all ordinances, and to make all such regulations consistent with the laws and constitution of this State, as they shall deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever. For the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance made by them that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars or be imprisoned in the county jail or city lockup for a term not exceeding three months, or by both such fine and imprisonment in the discretion of the justice or court that shall try the offender:** *Provided,* The right of trial by jury, when demanded, shall in all cases be preserved, and also the right of appeal according to the general laws of this State.

May enact  
any necessary  
ordinances for  
safety, good  
government,  
etc., of city.

*Proviso.*

## CHAPTER XIX.

### FINANCE AND TAXATION.

**SEC. 2. For the purpose of defraying the general expenses and liabilities of said city, the common council may cause to be raised annually by tax upon the real and personal property within said city, such sum as it may deem necessary, not exceeding six-tenths of one per cent of the valuation of such real and personal property within the limits of said city, according to the valuation thereof, as shall appear on the assessment rolls for the year, as equalized by the board of equalization and review; which sum the common council shall vote to raise, on the first Monday of June in each year, or as soon thereafter as practicable. The sum so raised for general expenses shall be known as the general fund and divided into a contingent fund and department funds as follows:**

Council may  
raise neces-  
sary tax.

General fund  
divided.

**Water Supply Fund, To provide a water supply for fire protection and other purposes;** Water supply fund.

**Lighting Fund, For lighting the streets and municipal buildings;** Lighting.

**Fire Department Fund, To defray the expenses of the fire department;** Fire depart-  
ment.

**Police Fund, For the maintenance of the police department;** Police.

**Salary Fund, To pay the salaries of the city officials which are to be paid from the salary fund;** Salary.

**Building Fund, To repair municipal buildings or build new ones;** Building.

**Damage Claim Fund, To pay the expenses and costs of defending or settling damage claims;** Damage claims.

**Contagious Disease Fund, To pay all claims certified by the board of health, and audited and allowed by the council and chargeable to the county of Genesee;** Contagious diseases.

Contingent.	Contingent Fund, To defray the incidental expenses of the city for which no other provision has been made.
Transfers may be made in funds.	Transfers may be made from any one of the foregoing funds to any other of the same, by a three-fourths vote of all the aldermen elect, but no transfer shall be made from any of said funds to any fund not named above: Provided, The amount to be raised for the water supply, lighting, fire department, police, salary and building funds, shall be determined by an estimate of the requirements of each fund to be made by the committee on finance, and approved by the common council, on the first Monday in March of each year, or as soon thereafter as may be; all claims or bills against the damage claim and contagious disease funds shall be paid from the contingent fund; and the total of the estimates so made, including the amount necessary for the contingent fund, which shall be estimated in like manner on the third Monday in May, or as soon thereafter as may be, shall not exceed six-tenths of one per cent for any one year and shall constitute the city tax for the purpose of convenient levy. The said common council may also, and at the same time, by a vote of not less than three-fourths of all the aldermen elect, cause to be raised such sum, not exceeding two-tenths of one per cent of the said real and personal property within the limits of said city, as they may deem advisable, as a street fund, to be used for street and highway purposes, and for paving street crossings, and for grading, macadamizing, graveling or repairing such portions of the thoroughfares of the city as they deem advisable, and for no other purpose; one-half of this amount shall be levied and assessed on the June roll, and the other half shall be levied, assessed and collected on the same roll as the State and county taxes, and shall be passed to the credit of the street fund of said city. The common council of said city is hereby authorized to cause to be raised, in addition to all other taxes, a sufficient amount of tax annually to be known as the "Bridge Tax," to build and keep in repair its bridges, and no part of it shall be used for any other purpose.
Proviso as to estimates.	It may be raised on the June or December roll, as the council shall deem best. All bridges within the limits of said city shall be built and kept in repair at the expense of said fund. No temporary or other loans shall be made from either the street, bridge or contingent funds to any other fund or funds, either general or special. Any violation of any of the provisions of this section shall be deemed a misdemeanor on the part of any and all officials concerned or taking part therein.
Street fund, how expended.	SEC. 7. The common council shall have the power to provide by ordinance or resolution that any or all special assessments for the construction of pavements, sidewalks and sewers within said city may, at the election of any or all of the persons assessed therefor (and which election shall be at a time certain to be fixed by the council) be divided into equal annual installments, bearing not to exceed five per cent annual interest, and which installments shall not exceed five in number.
Bridge fund.	
When raised.	
Council may provide for special assessments.	

**SEC. 8.** In case the payment of any special assessment shall be divided into installments as provided in the preceding section, the common council shall have power to authorize and direct the mayor and city clerk to issue and negotiate, at not less than par, and in behalf of said city, bonds bearing not to exceed five per cent annual interest for the aggregate amount of any such paving, sidewalk or sewer taxes or assessments, the time for the payment of which has been extended as provided in the preceding section; the payment of which bonds shall in all cases correspond in time and amount with the payment of said paving, sidewalk and sewer assessments. Said bonds shall be made payable at the office of the city treasurer. The proceeds of the sale of said bonds shall be deposited with the city treasurer and be by him disbursed on the order of the council in payment of the cost and expense of any pavement, sidewalk or sewer on account of which they have been issued and for no other purpose; and the proceeds of such extended special assessments when collected shall be used for the payment of said bonds and for no other purpose.

**SEC. 9.** Said bonds shall be denominated "paving," "sidewalk" and "sewer" bonds, as the case may be, and shall be numbered in the order of their issuance. The clerk shall keep an accurate list of said bonds, and of the number, date and amount of each, its rate of interest, when and where the same is payable, and the person to whom it is issued.

Bonds, how denominated.

## CHAPTER XX.

### SPECIAL ASSESSMENTS.

**SEC. 11.** When any special assessments shall be confirmed and payable as hereinbefore provided, the council instead of requiring the assessment to be levied upon the city or other general tax roll as provided in the preceding section, may direct the assessment so made in the special assessment roll, to be collected directly therefrom, and thereupon the mayor and city clerk shall attach their warrants to a certified copy of said assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed to and set opposite his name therein. Any Additional person who shall on or before the fortieth day after the date of said warrant pay his or her tax on said roll to the treasurer, shall pay one per cent thereon in addition thereto for collection. Immediately after the expiration of the said forty days the said treasurer shall proceed to collect the unpaid taxes on said roll, with four per cent in addition thereto for collecting same, and return said roll and warrant together with his doings therein, within sixty days from the date of such warrant.

When assessments may be made on special roll.

**SEC. 13.** The treasurer shall make returns of said assessment roll and warrants to the city clerk (including the amount of the penalty fees collected) according to the requirements of Treasurer to make returns of assessment roll to clerk.

the warrant, and if any of the assessments in said rolls shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

*Warrant may be renewed.*

SEC. 14. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct and for such time as it shall determine, but never beyond the time for making the city or general tax roll next following the time of the expiration of the sixty days time named in the original warrant for its return; and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties, and make the like returns as above provided. In case any assessment shall be finally returned by the city treasurer unpaid as aforesaid, the same shall be re-assessed in the manner provided in section ten of this chapter, with the four per cent collection fees and with interest included at the rate of ten per cent per annum from the date of confirmation of the assessment until the last day for the payment of taxes in the next city or other general tax roll, and be collected and paid in all respects as provided in said section ten: Provided, That when any special assessment tax shall be returned uncollected on the general December tax roll, it shall in every case be charged back to the fund for which it was levied, and when finally collected by the county or State, the proceeds of such collection shall be credited to such fund.

*Proviso.*

*Unpaid assessment to be reassessed.*

## CHAPTER XXII.

### CITY ASSESSORS.

*Number to constitute board.*

*Duties.*

SECTION 1. There shall be a board of city assessors, three in number, elected from the city at large as provided in section one of chapter three of this charter, who shall be electors and free holders of the city; and said assessors, with the city attorney and city clerk, shall be ex officio a board of equalization and review, and perform all the duties required of such board in this chapter. The assessor whose term of office shall first expire shall be ex officio chairman of the board of assessors, and also of such board of equalization and review. The city clerk shall act as clerk of such board of review. Said city assessors shall in the year nineteen hundred three and every three years thereafter, commencing on the first Monday in July, and continuing not exceeding four months, make a full and complete valuation of all the taxable real estate of the city, at its just and fair cash value, as provided by law for the valuation of property for the purpose of taxation. A separate roll shall be made for each ward, and every effort shall be made by them to have every description of such property on the proper roll and correctly described and valued. The name of the owner of each parcel shall be given therewith when known, but the

grouping may at their own discretion be by blocks and plats, where practicable. The said rolls when completed shall be filed in the office of the city clerk and be at all times open for inspection by all persons interested. Such parcels of property as the board may find are not upon the proper rolls, as last qualifized, they may by writing signed by them, direct the city clerk, at any time before the extension of the taxes upon the December rolls, to enter on the rolls where they belong, and to extend taxes against them as against the other property on the rolls. If an excess of taxes shall thereby be caused, the roll shall not on that account be invalidated, but such excess shall go into the contingent fund of the city. The compensation of said assessors shall be a per diem compensation, as fixed by resolution of the council, and not less than that given by this charter to the supervisors. They shall each take the constitutional oath before entering upon the duties of their office, and shall also certify under oath as to the correctness of their valuations, according to their best judgment. In case of a vacancy caused by death, resignation, removal from the city or otherwise, the mayor shall nominate a freehold elector of the city to fill the same. Every person so nominated, on being confirmed by a majority vote of all the aldermen elect, and taking the constitutional oath, shall be a member of said board until the next annual election. If any person so appointed a member of said board shall refuse or neglect, for ten days after being duly notified thereof, to qualify by taking said oath and filing it with the city clerk, the latter shall at once notify the mayor and common council thereof. Such failure may be taken as a declination of the office, and a new nomination may be thereupon made and confirmed in the manner aforesaid.

Compensa-  
tion.

Oath of office.

Vacancy, how  
filled.

## CHAPTER XXVI.

## MISCELLANEOUS PROVISIONS.

Sec. 10. No contract shall be made, or liability incurred for or in behalf of the city by the common council, city officers, its agents or employes, for any material, labor, work, repairs or improvements, except as herein otherwise provided, the payment for which would be a proper charge against any city fund of said city, unless there is in such fund to pay therefor sufficient moneys not otherwise expended or liability therefor incurred, payable therefrom; nor shall any expenditure be made or liability incurred during any fiscal year, for any such material, labor, work, repairs or improvements in excess of the money appropriated therefor. All contracts made and entered into by said city, and all liability incurred by the common council, city officers, agents or employes for or in behalf of said city, for materials, labor, work, repairs or improvements, except as herein otherwise provided, the payment for which would be a proper charge against any of said funds, in excess of the

Contracts not  
to be made in  
excess of  
fund.Certain con-  
tracts void.

**Proviso.** money appropriated for such fund, shall be null and void: Provided, That the common council shall have power to borrow not to exceed three thousand dollars, at not to exceed five per cent per annum, to be credited to the street fund for the purposes of cleaning the pavements, street crossings and for general repairs of the streets. Said loan to be repaid from the street tax levied on the fall roll of nineteen hundred three.

**Council may pay certain accounts.** SEC. 16. To enable the common council to provide for the payment of certain accounts heretofore allowed against the general fund of the city, which were not paid when so allowed, but were certified, sold, and have drawn interest, being for expense of water supply and lighting, and amounting to about sixty-five thousand dollars; and also to pay about fifteen thousand dollars overdrawn on the street fund; also to finish paving the center of South Saginaw street, beyond the railway tracks, an expense estimated at two thousand dollars; also to provide for the payment of shortages on old special assessments funds for paving and sewer repairs, estimated at nineteen hundred dollars; which items have become a great embarrassment to the city's finances, the common council is hereby authorized and empowered to issue bonds of the city to the amount of eighty-two thousand dollars, to raise money to pay all said items of indebtedness, no part of which money shall be used for any other purpose. Such bonds shall be divided into ten sets, running from the second day of March, nineteen hundred three, the first nine sets to consist of eight thousand dollars each in amount, and to be made payable on the first day of March, nineteen hundred four, nineteen hundred five, nineteen hundred six, nineteen hundred seven, nineteen hundred eight, nineteen hundred nine, nineteen hundred ten, nineteen hundred eleven and nineteen hundred twelve, respectively, and the tenth set to consist of bonds to the amount of ten thousand dollars, and to be payable March first, nineteen hundred thirteen. They shall draw interest at four per cent per annum, payable annually, and not be sold for less than their par value, with accrued interest.

**May pave certain street.** SEC. 17. Whenever the common council shall have levied a special assessment to defray the expense of any local improvement in whole or in part and the tax roll for collecting such special assessment shall have been put in the hands of the treasurer for collection, accounts may be allowed against the money to be raised thereby to the amount of sixty per cent thereof, though not collected, but the same shall be paid only from the moneys raised for said improvement, and shall draw no interest. It shall be lawful for the city to temporarily borrow money to construct sidewalks, as may be needed, at not exceeding five per cent interest, but the same shall be fully paid up before the close of the fiscal year in which it may have been borrowed.

**May issue bonds to pay indebtedness.** SEC. 18. The board of supervisors of Genesee county having at its October session nineteen hundred two, voted to return to the township plan of supporting the poor, to take effect from

**Bonds, how divided.**

**Rate of interest.**

**When accounts allowed against special assessments.**

**Council to estimate amount needed for poor.**

anuary first, nineteen hundred three, the council shall on the first Monday in October of each year, or as soon thereafter as practicable, while said plan is adhered to, estimate the amount needed for the care of the poor of the city for the year beginning the first day of January next thereafter, and shall direct the same to be raised on the December roll as a poor fund. To provide for the care of the city poor from January first, nineteen hundred three until January first, nineteen hundred four, the said common council may borrow, from time to time money as needed to supply said fund, and the amount thereof shall be spread on the December, nineteen hundred three tax roll of the city, and raised to repay the moneys so borrowed. The council is hereby given full discretion in the management of its poor department, but no money raised therefor shall be used for any other purpose.

Sec. 19. The city shall constitute one road district, and the work shall be done on the streets thereof under the supervision of a superintendent of streets, who shall be nominated by the mayor, and confirmed by the council, and hold office during the pleasure of the latter. This shall not preclude letting to be done by contract any street work it shall choose to have done in that way.

Sec. 20. For the purpose of equalization by the board of supervisors of the county of Genesee, the ward assessment rolls of the city of Flint shall be deemed as a single roll; the valuation fixed and determined by said board shall be the valuation of the taxable property of the city of Flint as a unit; and the State, county and other taxes apportioned by said board shall be apportioned to said city and not to any ward thereof, and shall be certified to the clerk of said city.

Sec. 21. Whenever the city clerk shall have advertised for proposals for the furnishing of materials and for the performance of the work of making any public improvement decided upon by the common council, and submitted all bids received therefor to said council, the latter may accept that one of the bids so made which it deems most advantageous to the city, or if in its judgment all of the bids made are unreasonably high it may reject all the bids so submitted, and cause the necessary materials to be procured and the work done by its employes, under such regulations as it shall devise therefor.

Sec. 22. Whenever in the judgment of the council any of the proceedings taken to bond the city, pursuant to any of the provisions of the charter shall be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge any of the proceedings taken for that purpose to be illegal, the council shall have power and authority, by a majority vote of all the aldermen elect, to set aside the irregular or illegal proceedings that may have been had in the matter, and proceed anew to submit the question, avoiding the former irregularities or illegalities, as the case may be, and conforming to the ruling of such court, if such ruling has been had.

*Appointment  
of street su-  
perintendent.*

*When ward  
assessment  
rolls con-  
sidered single  
roll.*

*Duty of coun-  
cil relative to  
bids.*

*When council  
may submit  
a new ques-  
tion of bonds.*

**May cause of  
sprinkling of  
streets.**

**Proviso.**

**Assessment  
for, how  
made.**

**SEC. 23.** The common council shall have power to cause the streets, lanes and alleys of the city, or any of them or any part of any of them to be sprinkled at the expense of the adjacent property, and may pass all ordinances necessary for the carrying out of this provision: Provided, That no street, lane or alley or any part thereof, shall be so sprinkled until a petition requesting it shall have first been presented to said council, signed by three-fourths in number and ownership of frontage of the persons residing on such street, lane or alley proposed so to be sprinkled. The proceedings for the levy and collection of the necessary taxes to defray the expense of such sprinkling shall be by special assessment on the adjacent property, deemed to be benefited, conforming as near as may be to the provisions of the charter, relative to special assessments for paving and sidewalks. When an assessment has thus been made on any district for sprinkling, the city clerk shall year by year extend the taxes thereon, necessary to pay the expense of such sprinkling, as ordered by the council. But the council shall discontinue such sprinkling whenever a majority of the owners of the property assessed to pay such expense shall petition therefor.

## CHAPTER XXVII.

### BOARD OF WATER COMMISSIONERS.

**Appointment,  
term of office,  
etc.**

**Proviso.**

**Vacancy, how  
filled.**

**SECTION 1.** There shall be a board of water commissioners, consisting of three persons, who shall be freeholders, and hold no other city office, nor any ward office. They shall be appointed solely with regard to their fitness for the position, and without regard to political considerations, and shall serve without fee or pecuniary compensation, and the term of office shall be for three years from the first Monday in May, and the term of one of them shall expire each year. On the first Monday in May of each year the mayor shall nominate to the council a qualified person to be a member of said board, and if the appointment shall be confirmed by a majority of the aldermen elect, the person so appointed shall be a member of said board for the term named. If he shall fail of confirmation the mayor shall, as soon as may be, submit another nomination for the place and shall continue to nominate until a nominee is confirmed: Provided, That on the going into effect of the act the mayor shall submit to the council for their approval the name of one qualified person to be a member of said board until the first Monday of May next, one to be a member of said board until the first Monday of May nineteen hundred four, and one to be a member of said board until the first Monday of May nineteen hundred five. Whenever a vacancy from any cause shall occur on said board the same shall be filled for the remainder of the term by nomination of the mayor and confirmation of the council as in other cases.

2. Said board shall have the control and management Powers and duties. matters pertaining to the water supply of the city, sub-  
the general direction of the council. It may appoint a  
ntendent and such other officers and employes as the  
cies of the service may require, and remove them or any  
m at discretion; designate their duties, and make rules  
eir guidance. The compensation of such employes shall  
ed by the council, and the superintendent shall be ap-  
d subject to the approval of the council. The city clerk  
e clerk of this board and keep a record of its proceedings,  
ive the care and custody of its papers and files. It shall  
the condition of its affairs to the council from time to  
is the council shall by ordinance or resolution provide.  
ll have power when so directed by the council, and sub-  
its approval to extend the mains thereof as needed. It  
when so directed by the council negotiate for and purchase  
eeded for said plant, whether within or without the city;  
ngines or other machinery for the working of such plant  
l needed supplies. It shall perform such other duties as  
uncil shall by ordinance direct. The members shall give  
in such sums as the council shall direct and approve.

4. All acts and parts of acts inconsistent with this act Repealing clause.  
reby repealed.

act is ordered to take immediate effect.  
roved March 26, 1903.

Compensation  
of employees.

Board to  
report to  
council

[No. 373.]

CT to authorize the city of Alpena, in the county of Al-  
1, to borrow, on the faith and credit of said city, money  
e used to pay for permanent paving and repaving; the  
struction of sewers of brick, stone, cement or other sub-  
strial material; the building of bridges, sidewalks and for  
er permanent improvements, within the limits of the city  
Alpena, and to issue the bonds of said city therefor.

*The People of the State of Michigan enact:*

TION 1. The city of Alpena, in the county of Alpena, is Bond issue by  
authorized to borrow money on the faith and credit of city for im-  
povements. ity, to be used to pay for permanent paving and repav-  
he construction of sewers of brick, stone, cement, or other  
ntial material; the building of bridges, sidewalks, and  
her permanent improvements within the limits of the city  
ena, and to issue the bonds of the said city therefor. Said  
shall not exceed in amount the sum of two hundred thou-  
dollars, shall not be issued for a term to exceed thirty  
from the date of issue and shall bear interest at the rate  
per cent per annum, payable semi-annually.

Rate of  
Interest, etc.

**Question to be submitted to electors.** SEC. 2. Such bonds shall not be issued until a majority of the qualified electors of the city of Alpena, present and voting on the proposition at an annual election, or at a special election called for the purpose, shall vote in favor thereof by ballot. Notice of said election shall be given by publishing the same in two or more daily newspapers published and printed in the said city, and by posting a notice thereof conspicuously in at least one public place in each of the several wards of the said city, which notice shall be given at least ten days before election, and shall state the purposes for which said money is to be used and the amount required for each purpose.

**Bonds, how signed, negotiated, etc.** SEC. 3. In case such loan shall be authorized at any such election such said bonds may be issued payable at such time and place and in such amounts as the common council of the city of Alpena shall determine, and shall be signed by the mayor, countersigned by the recorder of said city and negotiated under the direction of the common council of said city: Provided, however, No more than one hundred thousand dollars of such bonds shall be negotiated in any one year.

**Proviso.** SEC. 4. The city of Alpena, by its common council, shall have power, and it shall be its duty to raise by taxes upon the taxable property of said city such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due. And said city is hereby authorized to provide a sinking fund for said purpose.

This act is ordered to take immediate effect.  
Approved March 26, 1903.

[No. 374.]

**AN ACT to vacate the township of Mills, in the county of Ogemaw, and to incorporate its territory within the adjoining township of Richland, in the county of Ogemaw.**

*The People of the State of Michigan enact:*

**Territory vacated.** SECTION 1. The township of Mills, in the county of Ogemaw, being township twenty-one north of range three east, is hereby vacated and the territory thereof is hereby attached to the township of Richland in said county of Ogemaw.

**Rights, debts, etc., of Mills transferred to Richland.** SEC. 2. All rights of action, demands, credits, choses in action and property of whatsoever name or nature belonging to or existing in favor of said township of Mills, shall hereafter remain the debt, demands, and rights of action and choses in action of the said township of Richland.

**Idem.** SEC. 3. All debts, demands, and rights of action now existing against the said township of Mills, shall be assumed by said township of Richland and shall hereafter become and remain debts, demands and rights of action against the said township of Richland.

SEC. 4. It shall be the duty of the township officers of the <sup>Transfer of  
township  
books, etc.</sup> said township of Mills to turn over and deliver to the proper officers of the said township of Richland, the same as if the said officers of the said township of Richland were their successors in office, all funds, books, papers, files and records in their possession belonging to their several offices.

This act is ordered to take immediate effect.

Approved March 26, 1903.

[No. 375.]

AN ACT to incorporate the city of Onaway, in the county of Presque Isle.

*The People of the State of Michigan enact:*

SECTION 1. The territory in the county of Presque Isle and <sup>Territory to contain.</sup> State of Michigan, described as follows, to wit: All of section five, the north one-half of the north one-half of section eight, the east half of the east half of section six, and the northeast quarter of the northeast quarter of section seven, all in township thirty-four north, range two east, is hereby incorporated as the city of Onaway.

SEC. 2. The said city shall be divided into three wards as <sup>First ward.</sup> follows, to wit: The first ward shall embrace all that portion of the city of Onaway lying north of State street, and east of the north and south quarter line of section five, township thirty-four north, range two east, and extending north to the present village limits of the village of Onaway; also all that portion of Onaway lying south of State street, and east of Second street, extending as far south as the section line between sections five and eight, said township and range, and east as far as the east boundary line of the village of Onaway; also the northeast quarter, of the northeast quarter, of section eight, township thirty-four north, range two east. The second ward shall embrace all that portion of Onaway lying west of Second street, and south of State street and Washington avenue; also including the northwest quarter of the northeast quarter of section eight, and the northeast quarter, of the northeast quarter of section seven, all in township thirty-four north, range two east. The third ward shall embrace all that portion of Onaway lying <sup>Third ward.</sup> west of the north and south quarter line of section five, township thirty-four north, range two east, and north of State street and Washington avenue; also the east half of the east half of section six, township thirty-four north, range two east.

SEC. 3. The said city of Onaway shall in all things not <sup>Governed under general law.</sup> herein otherwise provided for, be governed, and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of eighteen hundred ninety-five, approved May twenty-seventh,

eighteen hundred ninety-five, the same being chapter eighty-eight of the Compiled Laws of eighteen hundred ninety-seven, of the State of Michigan, and all acts amendatory thereto, which act is hereby made and constituted a part of the charter of said city of Onaway, except as herein otherwise provided.

**First election, when held.**

SEC. 4. The first election in said city shall be held on Monday, the sixth day of April, in the year of our Lord nineteen hundred three, and the manner of holding said election, and the giving of notice thereof, shall be the same as near as may be as is prescribed by chapter six of said act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of Michigan for the year eighteen hundred ninety-five, approved May twenty-seventh, eighteen hundred ninety-five, and all acts amendatory thereto, except so far as the same may be inconsistent with this act.

**Certain city officers to be members of board of supervisors.**

SEC. 5. The mayor and the supervisor of each ward, shall, in addition to their other duties and powers, be ex-officio members of the board of supervisors of Presque Isle county, and each shall have all the rights, privileges and powers of the several members of such board of supervisors.

**Compensation of officers**

SEC. 6. The mayor and aldermen of said city shall serve without compensation, except when they serve as inspectors of election, or members of the board of registration, or board of review, and when serving in such capacity they shall receive not to exceed two dollars per day.

**Government, etc., of school district.**

SEC. 7. The school district now known as "school district number two of the township of Allis" shall not be affected by this act either as to its boundaries or control, and shall hereafter be known as fractional school district number two of the city of Onaway and the township of Allis, and shall be governed in all matters as provided for in the general school laws for the government of fractional school districts in townships: Provided, That all taxes to be levied upon the taxable property in said fractional school district number two shall be certified by the district board to the clerk of the city of Onaway and also to the township clerk of the township of Allis in which such district is in part situated and the said city clerk shall certify the same to the supervisor of each ward of said city.

**Village debt to become city.**

SEC. 8. The present bonded indebtedness of the village of Onaway shall become the bonded indebtedness of the city of Onaway by this act.

**Boards of registration by wards.**

SEC. 9. The following persons shall constitute boards of registration for the several wards in said city for the first election on the first Monday in April, nineteen hundred three, to wit: For the first ward William W. McKune, Samuel S. Tower and George Miller; for the second ward Thomas E. Shaw, Algonon V. Hinkley and James Walker; for the third ward Patrick Mahoney, Isidore J. Barnett and Daniel W. Snody. The said persons shall likewise constitute the board of inspectors of election at said first city election.

This act is ordered to take immediate effect.

Approved March 26, 1903.

## [No. 376.]

AN ACT to amend sections two, three and four of "An act to detach certain territory in school district number three in the townships of Marion and Bridgehampton in the county of Sanilac from said district, and establish the Deckerville high school district," approved April eighteenth, nineteen hundred one.

*The People of the State of Michigan enact:*

SECTION 1. Sections two, three and four of "An act to detach certain territory in school district number three in the townships of Marion and Bridgehampton in the county of Sanilac from said district, and establish the Deckerville high school district," are hereby amended so as to read as follows:

SEC. 2. The officers of said district shall consist of five trustees, who shall be elected by ballot at the annual meeting to be held in said district on the first Monday in July in each year, from the qualified voters of said district, one trustee for the term of one year, two for the term of two years and two for the terms of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire. Within ten days after their election such trustees shall file with the secretary acceptances of the offices to which they have been elected, and shall annually elect from their own number a president, secretary and treasurer, whose powers and duties shall be severally the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as the same are varied or modified by the provisions of this act. The trustees shall have power to fill any vacancy that may occur in their number till the next annual meeting. Whenever, in any case, the trustees shall fail, through disagreement or neglect, to elect the officers named in this section, within twenty days next after the annual meeting, the school inspectors of the township shall appoint the said officers from the number of said trustees.

SEC. 3. From and after the passage of this act, said board of trustees shall have all the powers and privileges conferred upon union, graded and high school district boards by general law.

SEC. 4. It shall be the duty of the district board to estimate the amount necessary to be raised, in addition to other school funds, for the entire support of such school, including teachers' wages, fuel and other incidental expenses, and for deficiencies of the previous year for such purposes; and when such amount has been estimated and voted by the district board, it shall be reported for assessment and collection, the same as other district taxes. When a tax has been estimated and voted by the district board under the provisions of this section, and is needed before it can be collected, the district board may borrow to an amount not exceeding the amount of said tax.

This act is ordered to take immediate effect.

Approved March 31, 1903.

Sections  
amended.

Trustees,  
when and how  
elected.

To file accept-  
ances, elect  
officers, etc.

Vacancy, how  
filled.

Powers of  
board of  
trustees.

District board  
to estimate  
amount to be  
raised.

[No. 377.]

**AN ACT to incorporate the public schools of the township of Charlton, Otsego county.**

*The People of the State of Michigan enact:*

Territory declared a single school district.

SECTION 1. The territory embraced in the township of Charlton, in the county of Otsego, is hereby declared to be a single school district, which shall be a body corporate by the name and style of "The public schools of the township of Charlton," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union school districts by the general laws of this State. And all schools in said district and all schools hereafter organized therein in pursuance of this act under the direction and regulations of the board of education shall be public and free to all persons actual residents, or the children of taxpayers, within the limits thereof between the ages of five and twenty years, inclusive.

Schools to be free

SEC. 2. The officers of said district shall consist of the supervisor of the township, who shall not at the same time hold the office of trustee, and four trustees, who shall constitute the board of education of said district. The terms of

Term of office.

office of said trustees shall be four years each, and until their successors are elected and qualified. Said trustees shall be elected by ballot at the annual township meeting of the township of Charlton upon the same ticket, and canvassed in the same manner as township officers are required by law to be elected by ballot: Provided, That a special election shall be held in said township within sixty days after this act shall take effect, to be held at the same place where the last preceding township election was held, and conducted and canvassed by the same officers and in the same manner as elections for township officers.. Notice of the time and place of each election shall be given by the township clerk by written or printed notices posted up in five public places in said township at least

When and how elected

ten days before the holding of such elections. At such special election there shall be elected four trustees of said district by the electors thereof, one of whom shall hold his office until the third Monday of April next succeeding the date of his election, one for the term of one year, one for the term of two years and one for the term of three years from the third Monday of April succeeding the first annual meeting provided for by this act, and until their successors are elected and qualified, and their term of office shall be determined by lot as provided for the justices of peace in new townships in Howell's Annotated Statutes of Michigan. Said trustees to be designated on the ticket or ballots "For Members of the Board of Education."

Notice of.

Term of office of trustees elected at.

**SEC. 3.** Within five days after such annual or special election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution before the township clerk or some other officer authorized to administer oaths, and file the same with the township clerk who shall record the same in the records or proceedings to be kept by said board of education: Provided, That in case the township clerk shall fail to give the notice in this section required, then the person so elected may at any time on or before the third Monday of April succeeding the annual township meeting at which they are elected take and subscribe the oath of office and file the same as hereinbefore prescribed and the term of office of the trustees of said district other than those elected at such special election shall commence on the third Monday of April following the annual township election at which they are elected.

**SEC. 4.** The township clerk of the township of Charlton shall be ex-officio clerk of said board of education and shall perform such duties as the board may require, but shall not be entitled to vote therein, and in case of the absence of said clerk the board may by resolution choose some suitable person to perform such duties.

**SEC. 5.** The said trustees and supervisor, who shall be ex-officio president of said board of education, shall meet within thirty days after such special election, and on the third Monday of April of each year, at the township clerk's office and elect from their own number a treasurer who shall hold his office for one year from said third Monday of April, and until his successor is elected and qualified; and may at any time fill by new election any vacancy that may occur in the office of trustee until the next annual election, and each trustee so chosen shall within ten days thereafter file with the clerk of said board the oath of office as prescribed in section three of this act.

**SEC. 6.** The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be on the third Monday of April, August, March and December of each year and no notice of such meeting shall be required, and the president and clerk or any two members of said board shall be sufficient to adjourn any meetings from time to time until a quorum be present, and special meetings of said board may be called at any time on request of the president or any two members of said board in writing delivered to the clerk and the clerk on the receipt of such request shall at once notify in writing each member of said board if within said district at the time of holding such meeting which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office unless otherwise directed by resolution of said board. All the records and

To take oath  
of office.

Where filed.

Proviso as to  
failure of  
clerk to  
notify.

Who to be  
clerk of  
board of  
education.

Board of  
trustees,  
when to meet,  
elect treas-  
urer, etc.

Regular meet-  
ings, when  
held.

Where held

[No. 377.]

AN ACT to incorporate the public schools of the township of Charlton, Otsego county.

*The People of the State of Michigan enact:*

Territory de-  
clared a single  
school  
district.

Schools to  
be free

Trustees of  
district

Term of office.

When and  
how elected

Proviso as to  
special elec-  
tion.

Notice of.

Term of office  
of trustees  
elected at.

SECTION 1. The territory embraced in the township of Charlton, in the county of Otsego, is hereby declared to be a single school district, which shall be a body corporate by the name and style of "The public schools of the township of Charlton," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union school districts by the general laws of this State. And all schools in said district and all schools hereafter organized therein in pursuance of this act under the direction and regulations of the board of education shall be public and free to all persons actual residents, or the children of taxpayers, within the limits thereof between the ages of five and twenty years, inclusive.

SEC. 2. The officers of said district shall consist of the supervisor of the township, who shall not at the same time hold the office of trustee, and four trustees, who shall constitute the board of education of said district. The terms of office of said trustees shall be four years each, and until their successors are elected and qualified. Said trustees shall be elected by ballot at the annual township meeting of the township of Charlton upon the same ticket, and canvassed in the same manner as township officers are required by law to be elected by ballot: Provided, That a special election shall be held in said township within sixty days after this act shall take effect, to be held at the same place where the last preceding township election was held, and conducted and canvassed by the same officers and in the same manner as elections for township officers. Notice of the time and place of each election shall be given by the township clerk by written or printed notices posted up in five public places in said township at least ten days before the holding of such elections. At such special election there shall be elected four trustees of said district by the electors thereof, one of whom shall hold his office until the third Monday of April next succeeding the date of his election, one for the term of one year, one for the term of two years and one for the term of three years from the third Monday of April succeeding the first annual meeting provided for by this act, and until their successors are elected and qualified, and their term of office shall be determined by lot as provided for the justices of peace in new townships in Howell's Annotated Statutes of Michigan. Said trustees to be designated on the ticket or ballots "For Members of the Board of Education."

**property of said district shall be levied in any one year: Pro-  
vided, That the public school district of the township of Charl-  
ton as herein organized, may, and is hereby authorized and  
empowered to borrow money on the faith and credit of said  
district and to issue bonds therefor for an amount not ex-  
ceeding five thousand dollars to be used solely for the pur-  
pose of erecting schoolhouses in said district. The board of education of the township of Charlton is hereby authorized and empowered to submit the question of said loans to the qualified voters of said township by a resolution directed to the clerk of said township of Charlton who shall thereupon give due notice by causing the date, place of voting and object of such election to be stated in written or printed notices in five public places of said township not less than ten days before said meeting, which notice shall state the object of the election, the amount of money proposed to be raised, and the purpose for which the same is to be expended. The vote upon the question shall be by ballot to be provided by the clerk, and shall have the words "For the Loan, Yes [ ], No [ ]" printed thereon. Those voting in favor of the loan shall mark a cross in the square after the word "Yes." Those voting against the loan will mark a cross in the square after the word "No." Said election shall be held and votes canvassed as are votes at township meetings. If such loan is authorized by two-thirds of all the electors voting at such meeting said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such time and place not exceeding ten years from the date thereof, and with such rate of interest not exceeding six per cent per annum as the board of education shall by resolution direct. Said bonds shall be signed by the board of education and countersigned by the clerk, and negotiated by the treasurer of said board, under the direction of the board of education, and for the purpose of paying the amount of such bonds and interest thereon, the board of education shall by resolution authorize the levying of such amount upon the taxable property of said district as fast as said bonds shall become due.**

**Sec. 10. The treasurer of the board shall have the keeping of the school and library moneys and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president. And said treasurer shall before entering upon the duties of his office give a bond to said district in such sum and with sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.**

**Sec. 11. The said board shall annually and on the third Monday of March in each year make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed the preceding**

*Proviso as to bond issues.*

*When may submit question of loan to electrs.*

*Form of ballot.*

*When bonds may be issued.*

*How signed, negotiated, etc.*

*Duties of treasurer of board.*

*To give bond.*

*Board to make detailed statement annually.*

year and the expenditure of said board for all purposes, and all the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board, and shall be publicly read by the clerk thereof, or in his absence by the president, to the electors of the said township of Charlton at their annual township meeting on the first Monday of April thereafter, between the hours of twelve o'clock noon and three o'clock in the afternoon.

**When township treasurer to pay money to board.**

SEC. 12. The treasurer of the township of Charlton shall at any time at the request of the board of education report to the clerk the amount of school money in his hands, and shall on the order of the president of said board pay to the treasurer of said board all such money taking his receipt therefor and also a duplicate receipt which shall be filed with the clerk of said board.

**School tax in separate column.**

SEC. 13. All taxes assessed within said township of Charlton for school purposes shall be set forth in the assessment roll of said township in a separate column apart and distinct from all other township taxes.

**Compensation of officers.**

SEC. 14. The compensation of the members, president and clerk of said board shall be one dollar and fifty cents for each day's actual service rendered for such district. The treasurer of the board of education shall for his services as such treasurer receive such compensation therefor as the board of education may by resolution direct. All bills for services to be audited by said board of education at its regular meetings.

**Proceedings in case of division or alteration of districts.**

SEC. 15. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same shall have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization the township board of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made; when such appraisal has been made the township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township board of each of the townships shall immediately after such alteration meet in joint session and make an equitable division of the assets and liabilities of the school districts of the township from which the territory has been detached, basing their division upon the amount of taxable property as the same shall appear upon the last assessment roll of the township.

This act is ordered to take immediate effect.  
Approved March 31, 1903.

[No. 378.]

**AN ACT** to amend sections six and fifteen of title three and sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty of title five, of act number four hundred five of Local Acts of one thousand eight hundred ninety-three, approved May twenty-fifth, one thousand eight hundred ninety-three, entitled "An act to reincorporate the city of Lansing, as amended by act number four hundred sixteen of the Local Acts of one thousand eight hundred ninety-seven, approved April twenty-eight, one thousand eight hundred ninety-seven."

*The People of the State of Michigan enact:*

**SECTION 1.** Sections six and fifteen of title three, and sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty of title five, of act number four hundred five of the local acts of one thousand eight hundred ninety-three, approved May twenty-fifth, one thousand eight hundred ninety-three, entitled "An act to reincorporate the city of Lansing, as amended by act number four hundred sixteen of the Local Acts of one thousand eight hundred ninety-seven, approved April twenty-eight, one thousand eight hundred ninety-seven," are hereby amended so as to read as follows:

### TITLE III.

**Sec. 6.** At each annual election hereafter to be held in said city, there shall be elected on the city ticket one clerk, one treasurer and two constables, who shall hold their offices for one year, but no person shall be eligible for the office of city treasurer for more than two consecutive years; one city assessor for the term of three years, who shall enter upon the duties of his office on the first day of September next following his election. At the annual election to be held in the year nineteen hundred and four, and each two years thereafter, there shall be elected upon said city ticket, a mayor who shall hold his office for two years and until his successor is elected and qualified. In each ward at the annual election, there shall be elected a member of the school board who shall hold his office for two years; one alderman who shall hold his office for two years. Each of the said officers so elected, shall hold their offices for the term respectively as herein provided; and until their successors are elected and qualified. In the year nineteen hundred three and at each fourth annual election thereafter there shall be elected in said city on the general ticket, one justice of the peace, who shall hold his office for four years, and until his successor shall be duly elected and qualified.

year and the expenditure of said board for all purposes, and all the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board, and shall be publicly read by the clerk thereof, or in his absence by the president, to the electors of the said township of Charlton at their annual township meeting on the first Monday of April thereafter, between the hours of twelve o'clock noon and three o'clock in the afternoon.

When township treasurer to pay money to board.

SEC. 12. The treasurer of the township of Charlton shall at any time at the request of the board of education report to the clerk the amount of school money in his hands, and shall on the order of the president of said board pay to the treasurer of said board all such money taking his receipt therefor and also a duplicate receipt which shall be filed with the clerk of said board.

School tax in separate column.

SEC. 13. All taxes assessed within said township of Charlton for school purposes shall be set forth in the assessment roll of said township in a separate column apart and distinct from all other township taxes.

Compensation of officers.

SEC. 14. The compensation of the members, president and clerk of said board shall be one dollar and fifty cents for each day's actual service rendered for such district. The treasurer of the board of education shall for his services as such treasurer receive such compensation therefor as the board of education may by resolution direct. All bills for services to be audited by said board of education at its regular meetings.

Proceedings in case of division or alteration of districts.

SEC. 15. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same shall have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization the township board of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made; when such appraisal has been made the township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township board of each of the townships shall immediately after such alteration meet in joint session and make an equitable division of the assets and liabilities of the school districts of the township from which the territory has been detached, basing their division upon the amount of taxable property as the same shall appear upon the last assessment roll of the township.

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SEC. 6. At each annual election hereafter to be held in said city, there shall be elected on the city ticket one clerk, one treasurer and two constables, who shall hold their offices for one year, but no person shall be eligible for the office of city treasurer for more than two consecutive years; one city assessor for the term of three years, who shall enter upon the duties of his office on the first day of September next following his election. At the annual election to be held in the year nineteen hundred and four, and each two years thereafter, there shall be elected upon said city ticket, a mayor who shall hold his office for two years and until his successor is elected and qualified. In each ward at the annual election, there shall be elected a member of the school board who shall hold his office for two years; one alderman who shall hold his office for two years. Each of the said officers so elected, shall hold their offices for the term respectively as herein provided; and until their successors are elected and qualified. In the year nineteen hundred three and at each fourth annual election thereafter there shall be elected in said city on the general ticket, one justice of the peace, who shall hold his office for four years, and until his successor shall be duly elected and qualified.

**to make his reports and verified statements of his accounts as in this act required.**

**Council to provide rooms, dockets, etc.** SEC. 22. The common council of the city of Lansing shall provide and maintain, heat, light and properly furnish suitable rooms for the said justice of the peace, and shall furnish all dockets and legal blanks necessary to properly conduct his office; and shall pay to the said justice of the peace a salary of twelve hundred dollars per annum, payable monthly; he shall receive no fees or perquisites of any kind whatever for the performance of any duties connected with his office, except marriage fees; but all such fees as are hereinafter provided to be by him taxed and collected in civil cases and all such fees as are by the general laws of this State properly taxable by a justice of the peace in criminal cases, shall be taxed and collected in like case by the justice of the peace of the city of Lansing, and paid into the city treasury within five days after they shall have been so collected.

**Fines, etc., to whom paid.**

**Justice to report to council.** SEC. 23. All fines, penalties or forfeitures recovered before said justice for violation of any city ordinance shall, when collected, be paid into the city treasury, and said justice shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for and on account thereof, which moneys so received or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office, and for any neglect in this particular he may be suspended or removed as hereinafter provided.

**To account to council for unclaimed property.**

**Proviso.**

**When may restore stolen property.**

SEC. 24. It shall be the duty of said justice of the peace, at the first regular meeting of the common council, in each of the months of August, November, February and May in each year, to account on oath, before the common council for all such moneys, goods, wares and merchandise, seized as stolen property, as shall then remain unclaimed in the office of said justice of the peace, and immediately thereafter to give notice for four weeks in one of the public newspapers printed in said city, to all persons interested or claiming such property: Provided always, That if any goods, wares, merchandise or chattels of a perishable nature, or which shall be expensive to keep shall at any time remain unclaimed in the office of said justice, it shall be lawful for such justice to sell the same at public auction, at such time, and after such notice as to him and the said common council seem proper.

SEC. 25. It shall be the duty of the justice of the peace aforesaid, who may recover or obtain possession of any stolen property, on receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable ex-

penses which may have been incurred in the recovering, preservation, or sustenance of such property, and the expenses of advertising the same, unless the attorney of the city or the prosecuting attorney of the county of Ingham shall otherwise direct.

SEC. 26. It shall be the duty of the justice of the peace as aforesaid, to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Ingham shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice and the proceeds thereof forthwith to pay to the treasurer of the said city; together with all the money, if any, which shall remain in his hands, after such notice, as aforesaid, first deducting the charges of said notices of sale.

SEC. 27. The justice of the peace of said city shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing, on oath, to inquire into, and try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act, and to punish the offenders, as by said by-laws or ordinances shall be prescribed or directed; to award all process, take recognizances for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion may require: Provided, That any person making said complaint (except city officers) shall give security for costs in the same manner as is required in criminal cases under the general laws of this State, which security shall have the same force and effect, and judgment shall be rendered against said complainant and surety, and execution issued thereon, when the justice shall be satisfied there was not reasonable cause for making said complaint.

SEC. 28. Whenever any person shall be charged with having violated any ordinance of the common council, by which the offender is liable in imprisonment, the justice of the peace of said city, to whom complaint shall be made in writing, and on oath, shall issue a warrant directed to the marshal of the city of Lansing or to the sheriff or any constable of the county of Ingham, commanding him forthwith to bring the body of such before him, to be dealt with according to law; and the marshal or other officer to whom said warrant shall be delivered for service, is hereby required to execute the same in any part of this State, where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

SEC. 29. In every civil action or proceeding, except garnishment proceedings commenced in said justice court, there shall be paid to said justice by the plaintiff, an entry fee of one dollar and before the trial of any

*When may sell unclaimed property at auction.*

*Proviso as to costs.*

*When to issue warrants.*

*Fees to be paid to, on commencement of suits.*

to make his reports and verified statements of his accounts a  
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**Council to pro-**  
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they shall have been so collected.

**Fines, etc., to**  
**whom paid.** SEC. 23. All fines, penalties or forfeitures recovered befor  
said justice for violation of any city ordinance shall, whe  
collected, be paid into the city treasury, and said justice shal  
report on oath to the common council, at the first regula  
meeting thereof in each month, during the term for which h  
shall perform the duties of such justice, the number and nam  
of every person against whom judgment shall have been rei  
dered for such fine, penalty or forfeiture, and all moneys b  
him received for and on account thereof, which moneys so re  
ceived or which may be in his hands, collected on such fine  
penalty or forfeiture, shall be paid into said city treasury o  
the first Monday of each and every month during the time suc  
justice shall exercise the duties of said office, and for any neg  
lect in this particular he may be suspended or removed a  
hereinafter provided.

**To account to**  
**council for**  
**unclaimed**  
**property.** SEC. 24. It shall be the duty of said justice of the peace, a  
the first regular meeting of the common council, in each o  
the months of August, November, February and May in eac  
year, to account on oath, before the common council for a  
such moneys, goods, wares and merchandise, seized as stole  
property, as shall then remain unclaimed in the office of sai  
justice of the peace, and immediately thereafter to give notic  
for four weeks in one of the public newspapers printed in sai  
city, to all persons interested or claiming such property: Pre  
vided always, That if any goods, wares, merchandise or cha  
tels of a perishable nature, or which shall be expensive to kee  
shall at any time remain unclaimed in the office of said justice  
it shall be lawful for such justice to sell the same at publi  
auction, at such time, and after such notice as to him and th  
said common council seem proper.

**When may**  
**restore stolen**  
**property.** SEC. 25. It shall be the duty of the justice of the peac  
aforesaid, who may recover or obtain possession of any stole  
property, on receiving satisfactory proof of propert  
from the owner, to deliver such property to the owne  
thereof, on his paying all necessary and reasonable ex

penses which may have been incurred in the recovering, preservation, or sustenance of such property, and the expenses of advertising the same, unless the attorney of the city or the prosecuting attorney of the county of Ingham shall otherwise direct.

SEC. 26. It shall be the duty of the justice of the peace as aforesaid, to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Ingham shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice and the proceeds thereof forthwith to pay to the treasurer of the said city; together with all the money, if any, which shall remain in his hands, after such notice, as aforesaid, first deducting the charges of said notices of sale.

SEC. 27. The justice of the peace of said city shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing, on oath, to inquire into, and try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act, and to punish the offenders, as by said by-laws or ordinances shall be prescribed or directed; to award all process, take recognizances for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion may require: Provided, That any person making said complaint (except city officers) shall give security for costs in the same manner as is required in criminal cases under the general laws of this State, which security shall have the same force and effect, and judgment shall be rendered against said complainant and surety, and execution issued thereon, when the justice shall be satisfied there was not reasonable cause for making said complaint.

SEC. 28. Whenever any person shall be charged with having violated any ordinance of the common council, by which the offender is liable in imprisonment, the justice of the peace of said city, to whom complaint shall be made in writing, and on oath, shall issue a warrant directed to the marshal of the city of Lansing or to the sheriff or any constable of the County of Ingham, commanding him forthwith to bring the body of such before him, to be dealt with according to law; and the marshal or other officer to whom said warrant shall be delivered for service, is hereby required to execute the same in any part of this State, where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

SEC. 29. In every civil action or proceeding, except garnishment proceedings commenced in said justice court, there shall be paid to said justice by the plaintiff, an entry fee of one dollar and before the trial of any

*When may  
sell unclaimed  
property at  
auction.*

*To try cases  
of violation of  
ordinances.*

*Proviso as to  
costs.*

*When to issue  
warrants.*

*Fees to be  
paid to,  
on commence-  
ment of suits.*

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Rate of interest.	supervisors. Such bonds shall bear interest at a rate not exceeding five per cent per annum, payable annually, which may be evidenced by interest coupons annexed thereto; and the principal and interest of such bonds shall be payable at the office of the county treasurer of said county, or at such other place, or places as the said board shall direct. Said bonds shall not exceed in the aggregate the sum of forty-five thousand dollars; nor shall any such bond be made payable more than twenty years from date of its issue.
Amount, term to run, etc.	SEC. 3. The bonds issued pursuant to this act may be exchanged at their par value for the bonds of said county now outstanding, or, under the direction of said board of supervisors, be sold at not less than their par value; and such bonds so issued and the proceeds arising from any sale thereof shall be applied to the payment and retiring of the bonds of said county now outstanding, and to no other purpose: Provided, however, That at no time shall any bond be sold under the provisions of this act, when the amount of the same together with the amount of the bonds of said county now outstanding and then remaining unpaid, shall exceed in amount, one-half of one per cent of the valuation of said county, according to the last assessment roll thereof.
May be exchanged for outstanding bonds.	SEC. 4. It shall be the duty of the board of supervisors of Menominee county to provide by tax upon all of the taxable property of said county, for the payment as the same shall become due, of the principal and interest of the bonds issued under the authority of this act.
Proviso.	This act is ordered to take immediate effect.
Tax provided for.	Approved April 2, 1903.

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[No. 380.]

AN ACT to provide for three voting precincts in the township of Baldwin, in the county of Delta.

*The People of the State of Michigan enact:*

Township divided into precincts.	SECTION 1. The township of Baldwin in the county of Delta shall be divided into three voting precincts as follows: Sections one to eighteen inclusive of town forty-one north, range twenty-two west, sections nineteen to thirty-six, inclusive of town forty-two north, range twenty-two west, and sections one, two, three, four, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and thirty-six, of town forty-one north, range twenty-three west, shall constitute voting precinct number one. Sections seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-
Number one.	
Number two.	

five in town forty-one north, range twenty-three west and sections five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, of town forty-one north, range twenty-four west, shall constitute voting precinct number two, and sections five, six, seven, and eight, of town forty-one north, of range twenty-three west and sections one, two, three, four, nine, ten, eleven, and twelve of town forty-one north, of range twenty-four west, shall constitute voting precinct number three.

SEC. 2. The polling place for the electors resident and being in the territory above described as precinct number one, shall be at such place as the township board of the township of Baldwin shall determine, and the polling place for the electors, resident and being in the territory known as precinct number two, shall be at the school house at Cornell, and the polling place where the electors resident and being in the territory known as precinct number three, shall be in the school house known in the township of Baldwin as the Kingsley school-house.

SEC. 3. The present officers of the township of Baldwin, who are by law constituted the boards of registration and election, shall be the boards of registration and election for precincts number one and two of said township of Baldwin. The board of registration for the first election to be held in precinct number three of said township of Baldwin, shall be composed of William Kingsley, Marcille Ashland, Archie Ashland, and the first board of election in said precinct number three shall be John Putvin, William Kingsley, James Ashland.

SEC. 4. It shall be the duty of the township board of the township of Baldwin to supply the necessary books for registration and election and the necessary blanks for the return thereof, to be used in precinct number three.

SEC. 5. The conduct of the elections in the precincts herein provided for, shall be conducted in accordance with the provision of the general laws for the conduct of election, and the canvass and returns of votes shall be in accordance with the laws governing the canvass and return of votes in the townships having more than one precinct.

This act is ordered to take immediate effect.

Approved April 2, 1903.

[No. 381.]

AN ACT to change the name of Ernest Bentley to Ernest  
Bentley Mills.

*The People of the State of Michigan enact:*

Name changed.

SECTION 1. That the name of Ernest Bentley, of Lapeer county and State of Michigan, be and is hereby changed to Ernest Bentley Mills.

This act is ordered to take immediate effect.

Approved April 2, 1903.

[No. 382.]

AN ACT to provide for a stenographer to take and transcribe testimony on examination of persons charged with criminal offenses and at coroner's inquests in the county of Genesee.

*The People of the State of Michigan enact:*

Circuit court  
stenographer  
to take cer-  
tain testi-  
mony.

SECTION 1. The official stenographer of the circuit court for the county of Genesee, by virtue of his office, is empowered and authorized to take and transcribe the testimony on examinations of persons charged with criminal offenses and take and transcribe the testimony at coroner's inquests as herein-after provided.

When to take  
in justice  
court.

SEC. 2. Whenever any person charged with an offense is held for examination before any justice of the peace in and for said county of Genesee, it shall be the duty of said stenographer to attend upon said examination and take full stenographic notes of the testimony and proceedings thereat; and shall, if requested by the prosecuting attorney, take the testimony at coroner's inquests held in said county. It shall also be the duty of said stenographer when requested by said prosecuting attorney, to take full stenographic notes at any proceeding connected with any criminal matter in said county, and make a full and complete transcript thereof.

To make two  
copies of  
notes.

SEC. 3. The stenographer shall, within such reasonable time as the prosecuting attorney shall direct, transcribe his notes so taken on such examination or inquest, making two copies thereof. One copy shall be delivered to the prosecuting attorney and one copy shall be delivered to the justice or coroner before whom such examination or inquest shall have been held, which transcript shall be filed by said justice or coroner as a part of his official return on said examination or inquest: Provided, That the stenographer shall certify that the testimony so taken is a correct and complete transcript of all the testimony and proceedings on such examination or inquest. And it shall not be necessary that the testimony so

Proviso.

five in town forty-one north, range twenty-three west and sections five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, of town forty-one north, range twenty-four west, shall constitute voting precinct number two, and sections five, six, seven, and eight, of Number three. town forty-one north, of range twenty-three west and sections one, two, three, four, nine, ten, eleven, and twelve of town forty-one north, of range twenty-four west, shall constitute voting precinct number three.

SEC. 2. The polling place for the electors resident and being <sup>Polling places designated.</sup> in the territory above described as precinct number one, shall be at such place as the township board of the township of Baldwin shall determine, and the polling place for the electors, resident and being in the territory known as precinct number two, shall be at the school house at Cornell, and the polling place where the electors resident and being in the territory known as precinct number three, shall be in the school house known in the township of Baldwin as the Kingsley school-house.

SEC. 3. The present officers of the township of Baldwin, who are by law constituted the boards of registration and election, shall be the boards of registration and election for precincts number one and two of said township of Baldwin. The board of registration for the first election to be held in precinct number three of said township of Baldwin, shall be composed of William Kingsley, Marcille Ashland, Archie Ashland, and the first board of election in said precinct number three shall be John Putvin, William Kingsley, James Ashland. <sup>Who to be boards of registration.</sup>

SEC. 4. It shall be the duty of the township board of the <sup>Township board to supply books, blanks, etc.</sup> township of Baldwin to supply the necessary books for registration and election and the necessary blanks for the return thereof, to be used in precinct number three.

SEC. 5. The conduct of the elections in the precincts herein provided for, shall be conducted in accordance with the provision of the general laws for the conduct of election, and the canvass and returns of votes shall be in accordance with the laws governing the canvass and return of votes in the townships having more than one precinct. <sup>Elections, how conducted.</sup>

This act is ordered to take immediate effect.

Approved April 2, 1903.

to do so by the judge thereof, or at the request of either of the parties in any matter pending in said probate court, and take full stenographic notes of all the testimony and proceedings had therein, and shall transcribe the stenographic notes so taken when ordered to do so by the judge of probate; and when such stenographer shall certify that the testimony so taken is a correct and complete transcript of all the testimony and proceedings and such transcript is filed, it shall be a part of the proceedings had in the matter in which such testimony was taken. And it shall not be necessary that the testimony so taken shall be read over to the witness or witnesses or that they shall sign the same.

Compensa-  
tion.

SEC. 3. The stenographer shall receive as compensation for all services rendered in pursuance of this act the sum of four hundred and fifty dollars per annum, payable in monthly installments by the county treasurer out of the general fund of said county. In case any party interested in any proceedings in the probate court shall desire a transcript of the testimony taken by such stenographer in such proceedings, the judge of probate shall be entitled to demand and receive therefor the sum of eight cents per folio to be paid for by the party ordering the same before the testimony is furnished: Provided,

Proviso.

That when the judge of probate desires a transcript taken for his own use, three copies thereof may be made by said stenographer and if either of the parties desire a copy of the same it shall be furnished and the probate judge shall be entitled to demand and receive therefor from such party, before the testimony is furnished, the sum of eight cents per folio which when collected shall be paid by said probate judge to the county treasurer to be applied toward the payment of the salary of said stenographer: Provided further, That in any matter pending in said probate court, when in the opinion of the judge of probate it is advisable to have a copy of the testimony taken in such matter transcribed and filed therein as a part of the record, the said judge of probate may order the same to be done and may, in his discretion, collect from the estate or parties interested therein the sum of eight cents per folio, which when collected shall be paid into the said county treasury of said county.

This act is ordered to take immediate effect.

Approved April 2, 1903.

Further  
proviso.

## [No. 384.]

**AN ACT to provide for the manner of taking of testimony before the probate court, justices of the peace, and coroners, in the county of Oakland, and to provide for the appointment, fix the term of office, and prescribe the duties, liabilities and compensation of a stenographer and assistant stenographer for said courts; and to repeal act number three hundred seventy-seven of the Local Acts of the State of Michigan for the year eighteen hundred ninety-five.**

*The People of the State of Michigan enact:*

**SECTION 1.** Testimony before the probate court, justices of the peace, and coroners, in the county of Oakland, may be taken under the provisions of the general law relating thereto, or under the provisions of this act as hereinafter provided.

**SEC. 2.** In any contested case in the probate court of Oakland county, the probate judge shall have the power to require that full stenographic notes shall be taken of all evidence given, and may require the same, or any part thereof, to be forthwith transcribed and filed with said court.

**SEC. 3.** In any criminal examination held in Oakland county, under the provisions of chapter three hundred thirty of the Compiled Laws of the State of Michigan of eighteen hundred ninety-seven, the magistrate conducting such examination may, and upon the request of the prosecuting attorney of said county, shall require that full stenographic notes shall be taken of all evidence given by the several witnesses examined, and that such stenographic notes shall be forthwith transcribed in full and certified as hereinafter provided, and filed with such magistrate, which said evidence, when so taken, transcribed and certified, need not be signed by the several witnesses; and such certified transcript of such evidence shall have the same force and effect as if such evidence were reduced to writing by the magistrate or under his direction and signed by the witnesses respectively.

**SEC. 4.** For the purpose of carrying into effect the provisions of this act, a stenographer for the probate court, and coroners, and justices courts, of the county of Oakland, shall be appointed by the governor on the recommendation of the judge of probate of said county.

**SEC. 5.** Such stenographer, when requested so to do by the probate judge, shall attend contested cases in the probate court and shall take full and correct stenographic notes of all evidence given, and shall forthwith transcribe and file with said judge of probate a full, correct, and properly certified transcript of the whole or any part of such evidence as may be required by said probate judge.

**SEC. 6.** In all cases mentioned in the last preceding section, the judge of probate shall collect as taxable costs the sum of two dollars for each day, and one dollar for each half day the stenographer is in attendance upon the order of said probate

Testimony,  
how taken.

When probate  
court may  
employ  
stenographer.

May employ  
stenographer  
in any crimi-  
nal examina-  
tion.

When gov-  
ernor may  
appoint  
stenographer.

When to at-  
tend probate  
court.

When judge  
to collect  
costs for.

**Proviso.**

judge; which said money shall be collected by the said probate judge and by him paid over to the county treasurer and be credited to the general expense fund of the said county: Provided, however, That not more than five dollars shall be taxed as stenographer's fees in any case.

**When to attend justice courts, etc.**

SEC. 7. When requested by the prosecuting attorney of said county, or by any magistrate upon request of the prosecuting attorney, it shall be the duty of such stenographer to attend criminal examinations before justices of the peace and coroner's inquests in said county and take full and correct stenographic notes of all evidence given, and he shall forthwith [forth-with] transcribe and properly certify two copies of the same, one of which shall be forthwith filed with the magistrate or coroner, as the case may be, before whom such evidence was given, and one of which shall be forthwith furnished the prosecuting attorney of said county.

**Form of stenographer's certificate.**

SEC. 8. The stenographer's certificate required by this act shall be in the following form: "I hereby certify that upon the hearing of the above entitled cause on the ..... day of ..... in the year ....., I took full and correct stenographic notes of all the evidence given by ..... and ..... the same being all of the witnesses produced, sworn and examined on the part of the ..... (indicate the party in whose interest witnesses were produced) and I do further certify that the above and foregoing is a full, true and correct transcript of my stenographic notes of said evidence, and of the whole thereof." Which said certificate shall be signed by the stenographer, or assistant stenographer, as the case may be, in his official capacity, and such certified transcript shall be deemed an official record of the evidence so taken and shall be prima facie evidence of the testimony given by the several witnesses.

**How signed.**

SEC. 9. The stenographer shall have the power, and forthwith upon entering upon the duties of his office he shall appoint a competent assistant, which said appointment shall be subject to the approval of the judge of probate of said county, and such assistant stenographer shall perform any and all duties of the stenographer whenever the stenographer is absent, incapacitated, under suspension, otherwise engaged, or for any reason unable to perform the duties required under the provisions of this act: Provided, however, That such assistant stenographer shall hold his office during the pleasure of the stenographer, and shall receive no fees or compensation other than such as may be agreed upon between himself and such stenographer, which sum shall be paid by the stenographer.

**Proviso as to compensation.**

SEC. 10. The stenographer and assistant stenographer shall be deemed officers of the several courts herein mentioned, and the stenographer shall hold his office during the pleasure of the governor: Provided, That the probate judge shall have power to suspend the stenographer or assistant stenographer for misconduct or incompetency, and in case of such suspension, he shall thereafter cease to hold the office of stenographer.

**Term of office.****Proviso as to suspension.**

or assistant stenographer as the case may be, unless by order of said probate judge, until his suspension be rescinded; and shall perform none of the duties of his office, except to transcribe, certify and file, as herein provided, his stenographic notes of evidence taken before such suspension. If such suspension be not rescinded within thirty days after the order of suspension, the office shall be deemed vacant.

SEC. 11. In case of vacancy in the office of stenographer from death, resignation, suspension or inability to serve, from any cause of a permanent nature, the governor shall appoint a successor to the office upon receiving notice from the probate judge of such vacancy and the cause thereof. Such appointment to be made in the manner hereinbefore provided. In case of the temporary absence of the stenographer, he, said stenographer, may appoint some competent person, approved by said probate judge, to act as stenographer pro tempore, who shall be paid by the stenographer in whose place he acts.

SEC. 12. The stenographer, or assistant stenographer, who shall take the notes on the trial or hearing of any case contemplated by the provisions of this act, shall prefix to his notes of the testimony of each witness and to his transcript thereof, the full name of each witness, the party in whose behalf such witness was produced and sworn, the date the testimony was taken, and in criminal examinations the further statement, viz.: that the testimony was taken in the presence and hearing of the accused; and upon making a transcript of his notes of the evidence given in any case, he shall properly entitle the cause, including therein the name of the court, magistrate, or coroner, as the case may be, before whom said cause was heard, and at the conclusion of the transcript of all the evidence given in said cause shall attach the certificate hereinbefore provided; which said certificate shall apply to the transcript of the evidence of the several witnesses in the same manner and with the same effect as if such certificate had been attached to the transcript of the evidence of each of the several witnesses.

SEC. 13. In addition to the other duties herein prescribed, it shall be the duty of the stenographer to perform such other duties as may be from time to time required by the prosecuting attorney of said county relating to the administration of his office as prosecuting attorney: Provided, That whenever the stenographer or assistant stenographer, in the performance of his duties, is required to leave the county seat of said county, he shall be entitled to and shall receive his actual expenses thereby incurred, in addition to all other compensation herein provided; such expenses to be paid monthly by the county treasurer from the general expense fund of the county, upon an itemized bill, verified by the stenographer and approved by the prosecuting attorney, and the county treasurer is hereby authorized and required to pay the same upon presentation as aforesaid.

Vacancies,  
how filled.

Provisions as  
to transcrib-  
ing notes.

Other duties  
of stenog-  
rapher.

Proviso as to  
expenses.

Compensa-  
tion for  
transcripts of  
notes.

To take oath  
and sign  
acceptance.

Where filed.

Penalty for  
making false  
notes, etc.

Salary.

Act repealed.

SEC. 14. It shall also be the duty of the stenographer to furnish without delay, in legible English, transcripts of the notes taken by him or any part thereof to any party who may request the same, for which he shall be entitled to demand and receive the sum of four cents per folio of one hundred words.

SEC. 15. Before entering upon the duties of his office, the stenographer and assistant stenographer shall respectively sign in duplicate an acceptance of such office, and shall respectively take and subscribe to the constitutional oath of office in duplicate, such oath to be administered by the county clerk of said county; one of which said acceptances and oaths shall be transmitted by mail or otherwise to the office of the Secretary of State and be filed therein and one of which said acceptances and oaths shall be filed with the county clerk of said county.

SEC. 16. Any stenographer or assistant stenographer appointed under the provisions of this act who shall wilfully take incorrect or incomplete stenographic notes of the evidence given by any witness, or who shall wilfully make an incorrect or incomplete transcript of his stenographic notes of such evidence, or who shall wilfully make a false certificate to such transcript, shall be deemed guilty of a misdemeanor and upon conviction thereof may be forthwith suspended as hereinbefore provided and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment in the discretion of the court.

SEC. 17. The stenographer appointed under the provisions of this act shall receive as compensation from the county of Oakland, a salary of seven hundred dollars per annum, payable in monthly installments out of the treasury of the county, upon the order of the county clerk, or board of supervisors, who are hereby authorized and required to draw such orders, and the county treasurer to pay the same upon presentations.

SEC. 18. Act number three hundred and seventy-seven of the Local Acts of the State of Michigan for the year eighteen hundred ninety-five is hereby repealed.

This act is ordered to take immediate effect.  
Approved April 2, 1903.

## [No. 385.]

AN ACT to submit anew to the qualified electors of the city of Detroit the question of borrowing money and issuing the bonds of said city under the provisions of an act number four hundred eighty of the Local Acts of nineteen hundred one, entitled "An act to authorize the city of Detroit to construct and maintain an additional bridge or bridges over the American channel of the Detroit river," approved June sixth, nineteen hundred one.

*The People of the State of Michigan enact:*

SECTION 1. Before any action shall be taken by the common council of the city of Detroit to borrow any sum of money, or issue any bonds of said city, under the provisions of act number four hundred eighty of the Local Acts of nineteen hundred one, entitled "An act to authorize the city of Detroit to construct and maintain an additional bridge or bridges over the American channel of the Detroit river," it shall be, and it is hereby required, that the question of making said loan and of issuing said bonds, for the purposes aforesaid, be again submitted to the electors of said city, at any general election to be designated by said common council and any bonds issued under said act number four hundred eighty of the laws of nineteen hundred one before the electors have voted in favor thereof as provided for in this act shall be void.

Question to be submitted to electors.

SEC. 2. The common council of said city shall give the same notices of submitting the question of said loan to the qualified electors of said city, in the same manner as is required by the provisions of the act aforesaid; and said proposition shall be submitted in the same manner and form, and the election shall be conducted, and the canvass and returns made, and the certificate and declaration thereof filed and entered upon the records of said city, in all respects as is provided in said act.

Election, how conducted.

SEC. 3. The result of the election herein provided for shall be deemed the final determination of the electors of said city of Detroit on the question of borrowing the money and issuing the bonds of said city for the purposes aforesaid. In case a majority of said electors, voting at such election, shall vote in favor of issuing said bonds, the common council shall be authorized to borrow said money and to issue said bonds, in the manner contemplated in said act; but, if a majority of said electors shall vote against the issuing of said bonds, then said common council shall not have power and authority to make such loan and issue such bonds, anything in said act number four hundred eighty to the contrary notwithstanding: Provided, That if the majority of said electors voting at such election vote in favor of issuing such bonds and the common council should decide that an enlargement of the present bridge is more desirable than a new bridge or bridges said money shall be used for such enlargement of present bridge instead of for building

When council to issue bonds.

Proviso.

Further proviso.

a new bridge or bridges, and Provided further, That before said common council can authorize said loan and issue of bonds for either the enlargement of the old bridge or the building of a new bridge or bridges the board of estimates shall have first approved of same.

This act is ordered to take immediate effect.

Approved April 2, 1903.

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[No. 386.]

AN ACT to limit the aggregate amount which may be raised by general taxes in the city of Mt. Clemens, Macomb county, Michigan.

*The People of the State of Michigan enact:*

Amount coun-  
cil may raise  
by tax.

SECTION 1. The aggregate amount which the common council of the city of Mt. Clemens may raise by general tax upon the taxable real and personal property in said city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of chapter thirty of the act to provide for the incorporation of cities of the fourth class (being section three thousand two hundred ninety-one of the Compiled Laws of the State of Michigan for the year eighteen hundred ninety-seven) are constituted (exclusive of taxes for schools and schoolhouse purposes) shall not, except as provided in said act elsewhere than in section five of said chapter thirty, exceed in one year, three-fourths of one per cent.

This act is ordered to take immediate effect.

Approved April 2, 1903.

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[No. 387.]

AN ACT to amend section fourteen of title ten of the charter of the city of Grand Rapids, being local act number three hundred seventy-four of the laws of eighteen hundred ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids," so as to authorize the board of police and fire commissioners to control, manage or direct the construction or repairs of engine houses within said city.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section fourteen of title ten of the charter of the city of Grand Rapids, being local act number three hundred seventy-four of the laws of eighteen hundred ninety-seven, is hereby amended so as to read as follows:

## TITLE X.

SEC. 14. Said board of police and fire commissioners shall control and manage the construction or repair of engine houses in the city of Grand Rapids, and have the right to make contracts therefor in the name of the city, to be approved by the common council of the city, and power to locate sites for engine houses and police stations, to organize said city into as many fire districts as it may deem necessary, to prescribe rules for the inspection of buildings by fire wardens and prescribe the duties of fire wardens, to control cisterns and hydrants in use by the fire department; to direct the manner in which the bells of the city shall be tolled or rung in the case of fire or alarms of fire and to establish and maintain a system of fire alarm telegraph, and such other telegraphic and telephonic apparatus as may be necessary to secure the highest efficiency of the department.

SEC. 2. All acts or parts of acts in contravention of the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 2, 1903.

Powers of  
police and  
fire commis-  
sioners.

[No. 388.]

**A**CT to regulate and fix the salary of the probate register of the county of Kent, and to repeal all acts and parts of acts inconsistent therewith.

*The People of the State of Michigan enact:*

SECTION 1. From and after the first day of March in the ~~salary.~~ year one thousand nine hundred three, the probate register for the county of Kent shall be a regularly admitted attorney at law and shall receive an annual salary of one thousand four hundred dollars.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 2, 1903.

Repealing  
clause.

[No. 389.]

AN ACT to authorize Bay City to borrow money and issue its bonds therefor, to defray the expense of construction of local improvements for the year nineteen hundred three, and to provide for the payment of said bonds.

*The People of the State of Michigan enact:*

Council may issue bonds.

SECTION 1. For the purpose of defraying the expense of constructing such pavements, sidewalks or main or lateral sewers as may be ordered by the common council of the city of Bay City, during and for the year nineteen hundred three, in anticipation of the collection of assessments and taxes levied or to be levied for the payment of the costs and expenses thereof, said city is authorized and empowered, by resolution of said common council, to borrow upon its faith and credit, such sum or sums as may be necessary for said purpose, not exceeding fifty thousand dollars, and to issue its bonds therefor. Said bonds shall be designated and endorsed "Nineteen hundred three public improvement bonds," and of the amount thereof, which may be so issued; one-third shall be made payable in four years, one-third in six years and one-third in eight years from the date of issue, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually.

How disposed of.

Said bonds shall be disposed of under the direction of the common council, but shall not be sold for less than their par value, and all proceeds thereof shall be paid to the city treasurer, and by him placed to the credit of a fund to be known as "Nineteen hundred three public improvement fund." Said bonds shall be paid at maturity, and the common council shall not have power to reissue said bonds, nor issue other bonds for the payment thereof.

Assessments for, how paid, etc.

SEC. 2. Anything herein contained shall not be construed to prevent said city from assessing the costs and expenses of any of said improvements upon the lots and premises specially benefited thereby, according to the benefits derived therefrom, and to be paid or collected, as provided in the charter of said city. All assessments for any of said improvements, the cost of the construction whereof is primarily paid from the proceeds of said bonds, shall be paid to the city treasurer and by him placed to the credit of a fund to be known as "Nineteen hundred three public improvement bond and interest fund," which fund shall be used for the purpose of paying said bonds and interest thereon, and shall not be drawn on or used for any other purpose. Upon maturity of said bonds any deficiency in said fund shall be supplied from the general fund.

Act not to affect charter.

SEC. 3. This act or any provisions thereof shall not be construed to conflict with, repeal, supersede or enlarge any of the provisions of the charter of said city, with reference to "local improvement bonds."

This act is ordered to take immediate effect.

Approved April 2, 1903.

[No. 390.]

AN ACT to amend sections one, three and four of an act, entitled "An act to incorporate the Detroit library commission, and to provide means for acquiring land and the construction of public library building or buildings thereon and the maintenance of the same," approved March twenty-ninth, one thousand nine hundred and one.

*The People of the State of Michigan enact:*

SECTION 1. Sections one, three and four of an act, entitled <sup>Sections amended.</sup> "An act to incorporate the Detroit library commission, and to provide means of acquiring land and the construction of public library building or buildings thereon, and the maintenance of the same," approved March twenty-ninth, one thousand nine hundred and one, are hereby amended so as to read as follows:

SECTION 1. The persons now in office and constituting the <sup>Body corporate, name, etc.</sup> Detroit library commission are hereby named, constituted and continued as a board of commissioners of the Detroit public library, and they, and their successors in office, shall be known by the name of the "Detroit library commission," and in their corporate name are hereby empowered to take and hold by purchase, condemnation, gift, devise, bequest or otherwise, such real and personal property as may be needful or convenient for carrying out the intents and purposes of this act, to make contracts and to establish all reasonable rules and regulations to protect the rights of property vested in the board, and to aid in the performance of the duties imposed upon it. Said <sup>May have seal.</sup> commission may adopt and have a common seal, may sue and shall be subject to be sued in all courts of record in like cases as natural persons. The property of the Detroit library commission shall be exempt from all taxes and assessments of every kind; no writ of attachment or writ of execution shall be levied upon the property of said board. One member of <sup>Members, when and how elected.</sup> said Detroit library commission shall be elected annually in the place of the member whose term of office expires in that year, by the board of education of the city of Detroit; vacancies for any cause may be filled at any time by the election by the board of education of a person to fill such vacancy. Members of said Detroit library commission shall not be members of the board of education, except in cases hereinafter mentioned, and when elected shall be clothed with all the powers for the management and control of the library now vested in the board of education or present commission. The <sup>Powers and duties.</sup> terms of office of said commissioners elected by the board of education shall be six years. The president of the board of education shall be ex officio a member of said commission. Said commission shall have the power to enter into contracts <sup>Term of office.</sup> for and supervise the construction of any library building or buildings, also to take such action by contract or otherwise as may be necessary to provide for the maintenance of said library <sup>May make contracts.</sup>

**When valid.**

buildings and library, and may appoint, remove or otherwise control all persons employed in such library, and fix their compensation from time to time, in their discretion, and may appoint such officers as they deem necessary for the purposes of said commission. No contract entered into by said commission shall be valid until there shall have been endorsed thereon the certificate of the controller that the money proposed to be expended thereunder is in the treasury of said city or that an appropriation has been made therefor.

**Council may provide sinking fund.**

SEC. 3. In order to provide a sinking fund for the redemption of the bonds provided for in the preceding section, the common council shall have power, and it shall be its duty, to raise by taxation in each year, upon the property assessed for city purposes, within said city, a sum equal to two and one-half per cent of the amount of said bonds issued under the provisions of this act, which sum, when raised, shall be credited to the sinking fund of said city for the purposes aforesaid. The principal realized from the issue and sale of said bonds shall be deposited in the city treasury to the credit of the public library fund, for the purposes hereinbefore mentioned, and shall be applied exclusively to the purpose of acquiring sites and the construction of public library buildings, and the maintenance of public libraries in the city of Detroit. The premium and accrued interest if any, shall be credited to the sinking fund. A special library tax of one-fifth of one mill on the dollar on property assessed for city purposes shall be levied each year with the other city taxes, and the said tax when collected shall be placed to the credit of the public library fund.

**Special mill tax.**

SEC. 4. On and after July first, one thousand nine hundred and three, all pay rolls, bills, accounts and claims of every character against the library commission after having been duly audited and approved by said commission, the certificate of which audit and approval shall be endorsed thereon by the president and secretary of said commission, shall be transmitted to the city controller, who shall submit the same to the common council with his approval or disapproval. When

**By whom paid.**

said pay rolls, bills, accounts and claims shall have been allowed by the common council, and the payment thereof approved by the mayor, the controller shall draw his warrant or warrants on the city treasurer in payment therefor. No bill, account or claim shall be audited or approved by said commission unless the same shall be accompanied with a sworn affidavit of the person rendering the same that he verily believes the services or property therein charged have been actually performed or delivered for said commission, that the sum [sums] charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof except such as are included in or referred to in such account. A similar affidavit shall be required upon all pay rolls, said affidavit to be made by the person under whose supervision the services charged have been rendered.

This act is ordered to take immediate effect.

Approved April 2, 1903.

**Bills to be accompanied by affidavit.**

[No. 391.]

**AN ACT** to amend section nineteen of chapter eleven of an act, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, one thousand eight hundred eighty-three.

*The People of the State of Michigan enact:*

**SECTION 1.** Section nineteen of chapter eleven of an act, <sup>Section amended.</sup> entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, is hereby amended so as to read as follows:

**SEC. 19.** No contract or agreement, written or verbal, to which the corporation shall be a party, or to which any officer or board thereof shall officially be a party, for the construction of any pavement, building, sewer or performance of any public work whatsoever, or contract or agreement, requiring the expenditure, receipt or disposition of money or property, by the corporation or any officer or board thereof, or creating any debt or liability, shall be let, or entered into, either directly or indirectly, with any member of the common council, or other officer of the corporation, either as principal or surety, and any such contract or agreement thus let or entered into shall be absolutely void. Before any contract to which the corporation shall be a party, or to which any officer or board thereof shall be a party, for the construction or repair of any pavement, sewer, building, or any other public work, shall be valid or binding upon the city of Detroit, there shall be endorsed thereon by the controller, a certificate that the money proposed to be expended under said contract is actually in the treasury or an appropriation made therefor; and it shall be unlawful for the controller to draw his warrant on account of any such contract not containing the certificate herein required: Provided, however, That such certificate shall not <sup>Proviso.</sup> be required upon contracts for furnishing the city or any of its departments from time to time with printing, stationery, fuel, lumber and other miscellaneous supplies and material as the same may be required.

When contracts with corporation void.

Certificate required to make contract valid.

This act is ordered to take immediate effect.

Approved April 2, 1903.

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[No. 392.]

**AN ACT to amend sections five, seven, thirteen, fourteen and seventeen of an act, entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, one thousand eight hundred sixty-nine, as amended May twenty-third, one thousand eight hundred ninety-three.**

*The People of the State of Michigan enact:*

**Sections amended.**

**SECTION 1.** Sections five, seven, thirteen, fourteen and seventeen of an act, entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, one thousand eight hundred and sixty-nine, as amended May twenty-third, one thousand eight hundred ninety-three, are amended so as to read as follows:

**To be body corporate.**

**SEC. 5.** The school inspectors, together with the mayor, controller, treasurer and recorder of said city (who are declared to be ex officio school inspectors, having a right to a seat at the meetings of the board for the purpose of deliberation, but who shall have no vote therein), shall be a body corporate, to be known and distinguished by the name and style of "The Board of Education of the City of Detroit," and in that name may be capable of suing and being sued, and of holding and selling and conveying real and personal property as the interest of said free schools may require.

**Board to appoint superintendent of schools.**

**SEC. 7.** The said board shall, at the first regular meeting in July after the passage of this act, and on the first regular meeting in July of every third year thereafter, appoint a suitable person as superintendent of the public schools under their control, who shall hold his office for the term of three years, or until his successor shall be appointed and enter upon the performance of his duties: Provided, That if such appointment shall not be made at the first regular meeting in July, the same may be made at any subsequent regular meeting; but the term of office of the appointee shall commence and date from said first regular meeting in July: And provided further, That the office of the present incumbent shall not be deemed to have been vacated by this act, but he shall hold his office until the first regular meeting in July subsequent to the time when this act shall take effect, or until his successor shall be elected and enter upon the performance of his duties. The superintendent shall receive such salary as shall be fixed by the board: Provided, That the same shall not exceed four thousand dollars per annum. The said board may appoint a secretary of said board, who shall hold his office during the pleasure of said board, or until his office shall otherwise become vacant. The board may prescribe his duties and compensation: Provided, That when the office of secretary and superintendent shall be held by the same person, he shall receive no compensation for his services as secretary. The board, if it deem it expedient, may direct the superintendent

**Proviso.**

**Proviso as to present incumbent.**

**Proviso as to salary.**

**Secretary of board.**

**Proviso as to when superintendent and secretary are same.**

to perform the duties of said office of secretary, and he shall thereupon be ex officio secretary of said board.

SEC. 13. It shall be the duty of the board of education to transmit to the common council through the city controller, on or before the first day of February in each year, or at such other time as the common council may by ordinance prescribe for the submission of annual estimates, an estimate of the amount of money which said board may deem necessary for the proper maintenance of the public schools of the city during the fiscal year next ensuing, which estimate shall, so far as practicable, be made in detail, specifying the amounts required for salaries of teachers and other employes of the board, repairs, fuel, supplies and general current expenses, all of which estimates shall be classified as the "Maintenance fund." The said board shall, at the same time, transmit such estimates as it shall deem necessary for the purchase of lots, the erection and remodeling of school buildings together with the necessary fixtures and furniture therefor and for other improvements to school buildings and grounds, which estimates shall state in detail the purpose for which appropriations are desired, all of which estimates shall be classified as the "Building fund." So much of said estimates as the common council and board of estimates of the city of Detroit shall approve shall be levied and collected the same as other city taxes; and it shall be unlawful for said board of education to pay out or agree to pay out any moneys for any item or items disallowed by said common council or board of estimates: Provided, however, That the amount so approved for the maintenance fund shall not be less than the sum of five dollars for every child in the city between the age of five and twenty years, as the number thereof may have been ascertained by the last school census: Provided further, That the common council, with the consent of the board of estimates, may cause the whole or any part of the appropriation for the purchase of lots and the erection of school buildings to be made by issue of bonds in lieu of raising the same by taxation; said bonds shall be issued in the name of the city of Detroit in the same manner as are other city bonds, shall be for a period of not more than thirty years, and shall bear interest at a rate not exceeding four per cent per annum. Moneys shall not be transferred from either the maintenance fund or building fund to the other fund or used for the purpose thereof.

SEC. 14. The city treasurer shall be the custodian of all moneys belonging to the board of education, and the same when received or collected or be payable by any other officer, shall be paid to him, and be deposited by him to the credit of the fund of the board of education to which the same properly belongs. The city treasurer and city controller, before entering upon the duties of their respective offices, may be required by the said board of education to file with its secretary bonds with a responsible surety company as surety, and approved by said board, in sums of not to exceed one hundred thousand

Board to submit estimates to council.

Maintenance fund.

Building fund.

Proviso.

Proviso as to issue of bonds.

Who to have charge of moneys.

Board may require certain officers to give bonds.

dollars and twenty-five thousand dollars respectively, for the faithful performance of their duties; with respect to the care, custody and disbursement of moneys raised or received for school purposes as provided by this act. The expense of such bonds shall be a charge against said board. On and after July first, nineteen hundred three, all pay-rolls, bills, accounts and claims of every character against the board, after having been duly audited and approved by said board, the certificate of which audit and approval, and the date thereof, shall be endorsed thereon by the president and secretary of said board, and the payment thereof approved by the mayor, shall be transmitted to the city controller. It shall be the duty of the controller to carefully examine and verify all vouchers so transmitted, and if he finds the same to be correct, to draw his warrant on the city treasurer therefor, at the same time charging the appropriations from which the same are payable with the amount thereof. No bill, account or claim shall be audited or approved by said board unless the same shall be accompanied with a sworn affidavit of the person rendering the same that he verily believes the services or property therein charged have been actually performed or delivered for said board, that the sums charged therefor are reasonable and just, and that, to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are included in, or referred to in such account. A similar affidavit shall be required upon all pay-rolls, said affidavit to be made by the person under whose supervision the services charged have been rendered. It shall be unlawful for the controller to draw his warrant upon any appropriation on account of said board when the same shall have been already exhausted by warrants previously drawn on account thereof.

**When contracts invalid.** SEC. 17. Before any contract entered into by said board for the purchase of any real estate, erection, remodeling or repair of any building, or for any other work, shall be valid or binding upon said board, there shall be endorsed thereon by the city controller a certificate that the money proposed to be expended under said contract is actually in the treasury or that an appropriation has been made therefor: Provided. That no contracts so submitted shall be certified by the controller until all contracts for the completed work covered by the appropriation shall have been submitted to him, and no warrant shall be drawn on account of any such contract not containing the certificate herein required. The *ex officio* members of said board shall not receive any added compensation by reason of any new duties imposed by this act.

This act is ordered to take immediate effect.

Approved April 2, 1903.

Bills, etc., to  
be transmit-  
ted to con-  
troller.

When board  
to approve  
bills.

When con-  
tracts invalid.

Proviso.

[No. 393.]

**AN ACT** to amend sections four, seventeen, twenty-one, thirty, thirty-nine, eighty-nine, one hundred six, one hundred fifty-six and two hundred thirteen of act number four hundred forty-eight of the Local Acts of eighteen hundred and ninety-seven, entitled "An act to revise and amend act number three hundred and forty-six of the Local Acts of eighteen hundred and eighty-one, entitled 'An act to revise an act to incorporate the city of Bay City,' approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof," approved May twenty-ninth, eighteen hundred and ninety-seven, as amended and revised by the several acts amendatory and revisionary thereof, and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

**SECTION 1.** Sections four, seventeen, twenty-one, thirty, thirty-nine, eighty-nine, one hundred six, one hundred fifty-six and two hundred thirteen of act number four hundred forty-eight of the Local Acts of eighteen hundred and ninety-seven, entitled "An act to revise and amend act number three hundred and forty-six of the Local Acts of eighteen hundred and eighty-one, entitled 'An act to revise an act to incorporate the city of Bay City,' approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof," approved May twenty-ninth, eighteen hundred and ninety-seven, as amended and revised by the several acts amendatory and revisionary thereof, are hereby amended so as to read as follows:

**SEC. 4.** At the annual election after the passage of this act, and at each annual election thereafter, there shall be elected one alderman in each ward of said city by the electors thereof, voting in their several wards, who shall hold his office for two years. There shall also be elected annually in each ward, by the electors thereof, one constable, who shall hold his office for one year. At the annual charter election in April, nineteen hundred three, and every two years thereafter, there shall be elected by the qualified electors of said city, one mayor and one treasurer on the general city ticket, and in each ward, by the qualified electors thereof, one supervisor, each of whom shall hold his office for the term of two years. Each of said supervisors shall be the supervisor of the ward for which he was elected, with all the powers of the supervisors of townships in this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At said annual charter election in April, nineteen hundred one, and every four years thereafter, there shall be elected one comptroller, who shall hold his office for four years. At said annual charter election in April, nineteen hundred one, and every two years thereafter, there shall be elected one justice of the peace.

**Eligibility,  
compensa-  
tion, etc.**

there shall be elected one comptroller, who shall hold his office for four years. Justices of the peace for said city shall have the same jurisdiction and power, perform the same duties and be subject to the same liabilities as justices of the peace of the townships in this State, except as herein otherwise provided. The term of office of said justice of the peace shall commence when elected and qualified. Each of the officers mentioned in this section shall continue in office until his successor is elected and shall have qualified. No person shall be eligible for election to, or hold the office of mayor, who is holding any judicial office, or who is holding any State or county office for which a stipulated annual salary is paid or received. The treasurer shall be eligible for election twice in succession. The aldermen shall receive for their services as a full compensation the sum of two dollars for each session when actually in attendance. No person shall be eligible to any elective office who is not an elector of the said city; and no person shall be eligible to any ward office who is not an elector of such ward.

**Council to  
appoint cer-  
tain officers.**

SEC. 17. The council shall have power to appoint a city attorney, a street commissioner, a city engineer, and such other officers whose election is not especially provided for in this charter, as it may deem necessary to carry into effect the powers in said charter contained: Provided, That in case of a tie vote by the council on a vote of all the aldermen elect in any of such appointments, the mayor shall have a right to vote. Any person appointed to any office or position, whether upon the nomination of the mayor or otherwise, may be removed therefrom by the council upon a vote of two-thirds of all the members elect voting therefor. Any person holding office by election, except the mayor, recorder, police justice and justices of the peace, may be removed therefrom by the council for corrupt or wilful malfeasance or misfeasance in office, or for wilful neglect of the duties of his office, or for any violation of any of the ordinances of the council, by a two-thirds vote of all the aldermen elect. It shall be deemed sufficient cause for removal or dismissal in the manner aforesaid, from his office or position of any elected or appointed officer, agent or employee, when he shall refuse and neglect to pay or secure the payment of any just debt or obligation, contracted during his term of office or employment, when the city shall be more than twice made a garnishee defendant to obtain payment therefor by the creditor thereof. In every case the reason for removal shall be entered in the records of the council, with the names and the votes of the members voting on the question. No officer or appointee of the council shall be removed by the council, unless first furnished with a copy of the charges and accusations preferred against him, in writing, and allowed to be heard in his defense with the aid of counsel, if the accused shall so desire. The council shall have power to issue subpoenas, under the hand of the mayor or its chairman, to compel the attendance of witnesses and the production of papers, and

**May remove  
certain.**

**What deemed  
cause for  
removal.**

**Officer to re-  
ceive copy of  
charges.**

**Council may  
subpoena  
witnesses.**

shall proceed within twenty days after the service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer such charges, his default shall be deemed good cause for removal.

Sec. 21. The common council, in addition to the powers and duties specially conferred upon it in this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as it shall deem proper and necessary: And further, it shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it may deem desirable, within said city for the following purposes:

First, To provide for and preserve the purity and salubrity of the waters of the Saginaw river; to prohibit and prevent the deposit therein of any filthy and other matter, tending to render said water impure, unwholesome or offensive. To preserve and regulate the navigation of said river, and other navigable waters within the limits of said city; to prohibit and prevent the depositing or keeping therein of any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting and mooring of vessels, and laying out of cargoes and ballasts from the same, and appoint so many harbor masters as it may deem necessary, and to prescribe their powers, duties and compensation;

Second, To license, continue and regulate so many ferries and bridges, from within said city to the opposite shore of the Saginaw river, for carrying and transporting passengers and property across said river, in such manner as shall be deemed most conducive to the public good;

Third, To erect, repair and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Saginaw river beyond a certain line, to be established by the council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds or other vehicles, dray or anything whatsoever; to lease the wharves and wharfing privileges, at the ends of streets, upon such terms and conditions, and under such covenants, and with such remedies, in cases of non-performance, as the council may direct; but no building shall be erected thereon, no lease thereof shall be executed for a longer period than two years, and a free passage at all times for all persons and their baggage shall be maintained;

Fourth. To provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches;

Powers of  
council.

May pass  
ordinances.

To preserve  
purity, etc., of  
Saginaw river.

License  
ferries.

Regulate  
wharves,  
docks, etc.

Draining of  
swamps.

**Erection of buildings.** Fifth, To prohibit and prevent the location or construction of any wooden or frame house, store, shop or other buildings on such streets, alleys and places, or within such limits of said city as the council may from time to time prescribe; to prohibit and prevent the removal and change of location of wood or frame buildings within said limits, or from any part of said city to any lot or lots on such streets or places within said limits, to prevent the rebuilding or repairing of wooden, brick or other buildings on said streets, alleys or places, or within said limits, when decayed, out of repair, damaged by fire or otherwise. To prohibit and prevent within such places, limits or districts in said city, as the common council may from time to time prescribe, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, the storing of lumber, slabs, staves, edgings, wood or other easily inflammable materials, when, in the opinion of the council, the danger from fire is thereby increased; to regulate the use of lights in buildings, and generally to pass and enforce such ordinances and regulations as it may deem necessary for the prevention and suppression of fires;

**Weights and measures.** Sixth, To appoint one or more inspectors, measurers, weighers and guagers of articles to be inspected, measured, weighed or gauged; to prescribe and regulate their powers and duties, fees and compensation;

**Paupers.** Seventh, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing, in vessels or in other modes, to said city, from any other port or place, any pauper, or other person likely to become a charge upon said city, and to punish therefor;

**Marketplaces, parks, etc.** Eighth, To lay out, establish, make, alter and regulate market places and public parks and grounds, and regulate the measuring and selling of firewood, and the weighing and selling of hay and coal, and the selling of meats, vegetables, fish, fruits and provisions of all kinds;

**Public peace.** Ninth, To prevent vice and immorality, to preserve public peace and good order, and prevent and quell riots, disturbances and disorderly assemblages and conduct;

**Disorderly houses.** Tenth, to restrain and prevent disorderly and gaming houses and houses of ill-fame, the holding, keeping or using of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices;

**Hotels, etc.** Eleventh, To license and regulate the keeping of hotels, taverns and other public houses, groceries, and the keeping of ordinary saloons, victualing and other houses and places for furnishing meals, food or drink; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof to license and regulate the sale of manufactured tobacco and cigars and to license and regulate or prohibit the sale of cigarettes;

**License plumbers, etc.** Twelfth, To license electricians, steam, gas and water plumbers, and such professions, occupations and callings as the council may deem for the public good and protection, and to regulate

and prescribe the manner of doing electrical work and plumbing;

Thirteenth, To apprehend and punish all drunkards, vagrants, mendicants, street beggars, prostitutes, fortune tellers and clairvoyants, disorderly persons, and persons soliciting alms or subscriptions for any purposes, and to punish and prevent all intoxication, and disorderly conduct; Vagrants,  
etc.

Fourteenth, To prohibit and prevent or license and regulate the public exhibition by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, sparring, boxing, physical skill, horse racing, feats of horsemanship and bowling alleys; mechanical contrivances and apparatus of every kind and description, or the use thereof in public for which money or other reward is directly or indirectly given or demanded; tricks of legerdemain, and all other public shows, exhibitions, entertainments and places of diversion and amusement, and to revoke such license at pleasure; Itinerant  
vendors

Fifteenth, To declare and define what constitutes a nuisance, and to prohibit, prevent, abate and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter house, stable, privy, hog pen, sewer, or other offensive house or place, to cleanse, remove or abate the same as often as it may deem necessary for the health, comfort and convenience of the inhabitants of the city; Nuisances.

Sixteenth, To direct, regulate and prohibit the location and maintenance of all slaughter houses, all markets and buildings for storing gunpowder, and other combustible substances, and prohibit and regulate the buying, selling, keeping for sale, storing and transporting gunpowder, naphtha, saltpetre, benzine, benzole, petroleum, kerosene, oil, firecrackers, fireworks, and all other combustible substances, and the using thereof, the using of lights in barns, stables or other buildings and the making of bonfires. Slaughter  
houses, com-  
bustibles, etc.

Seventeenth, To prevent the encumbering or obstruction of streets, sidewalks or crosswalks, lanes, alleys, bridges, wharves, or slips in any manner, or with any material or things, of any kind or nature whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions; to cause the removal of such obstructions or encumbrances by some city officer, and cause the expense of such removal to be assessed on the abutting property and the expense thereof to be levied and collected in the same manner as herein provided for the levy and collection of local taxes for special improvements, the expense of which is assessed on the property specially benefited, according to the benefits derived. Any assessment so made and tax levied shall be a lien on the lands so assessed after the assessment roll shall have been confirmed; to control, Obstructing of  
streets.

prescribe and regulate the use and enjoyment of streets, alleys, squares and other public places in the city;

**Fast driving.** Eighteenth, To prevent immoderate riding or driving in any street; to compel persons to fasten or secure their horses or other animals while standing in any of the streets or alleys of the city, and to authorize the stopping and detaining of any person who shall be guilty of any immoderate riding or driving in any street, and to prevent persons from riding or driving in any street, and to prevent persons from riding or driving upon or across any sidewalk and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood or other obstructions;

**Dogs.** Nineteenth, To prevent and regulate the running at large of dogs, to impose taxes for the keeping thereof; to require them to be muzzled and to authorize their destruction when running at large in violation of any ordinance;

**Railroads.** Twentieth, To determine and designate the route and grades of any railroad or street railroad now in or hereafter to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads in the city, and to compel the owners and managers of such roads to station flagmen and to erect and maintain safety gates at street crossings and make such rules and regulations concerning the same as to secure the safety of the citizens;

**Obscene exhibitions.** Twenty-first, To prohibit and prevent any indecent exposure of the person, the show, sale or exhibition of any indecent or obscene books, pictures or pamphlets, all indecent or obscene exhibitions or shows of any kind, and all indecent, immoral, profane or disorderly conduct or language and to prohibit and regulate bathing in any public waters within or adjoining said city;

**Pounds.** Twenty-second, To establish, regulate and maintain one or more pounds, and to restrain and prevent or regulate the running at large of horses, cattle, swine or other animals, geese or poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

**Sabbath.** Twenty-third, To prevent every species of gaming, and to prevent the violation of the Sabbath and the disturbance of any religious congregation or any other public meeting assembled for lawful purposes;

**Cemeteries.** Twenty-fourth, To protect and regulate all cemeteries and graveyards within the city, and all such without the limits of said city as such corporation may acquire, and to regulate the burial of the dead and the keeping of the bills of the mortality;

**Removal of offensive substances.** Twenty-fifth, To prohibit the bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substance, and to provide for the removal and destruction thereof wheresoever found;

**Erection of buildings.** Twenty-sixth, To erect and provide for the erection of a city hall and all needful buildings and offices, for the use of the corporation or of its officers, and to control and regulate the

same, and to purchase the necessary real estate on which to erect the same, and to purchase and sell real estate for the use of said corporation for corporate purposes, to acquire works by purchase or otherwise, for the purpose of supplying said city and its inhabitants with electric light, power or heat, and to prohibit and punish injuries to public buildings and property;

Twenty-seventh, To regulate the setting of awning or other ~~awnings~~<sup>Awnings</sup> posts, and to direct and regulate the planting of shade or ornamental trees in the streets and other public grounds, and to provide for the preservation of the same;

Twenty-eighth, To authorize and regulate the demand and receipt by officers of all fees and costs, and in such cases as the Council may deem reasonable, and prescribe, fix, determine and regulate the powers and duties of all officers of the city, subject to the provisions of this act; Regulate  
powers, etc.,  
of city off-  
icers.

Twenty-ninth, To survey, ascertain and establish the boundaries of the city, and all highways, streets, avenues, lanes, alleys, parks, squares and spaces in said city; to prohibit and remove all encroachments, encumbrances or obstructions upon the same in any manner, and to number the buildings; Surveying of  
city.

Thirtieth, To license and regulate or prohibit auctioneers, hawkers, peddlers and pawnbrokers, and to regulate auctions, hawking and pawnbrokerage; Auctioneers..

Thirty-first, To license and regulate butchers and keepers of shops, stalls and stands, for the sale of meats, vegetables and provisions of all kinds; and to license and regulate all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire; to designate stands for all carriages, carts and drays, used in carrying persons and property for hire, and to prescribe their fare and compensation; Butcher shops..

Thirty-second, To regulate the weights and measures used in the city; to appoint one or more sealers of weights and measures, and to prescribe the powers and duties thereof, and the penalty for using false weights and measures not conforming to the standard as established by the laws of this State; Weights and  
measures.

Thirty-third, To assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by law, which taxes shall be a lien on the property until paid; to appropriate money, provide for the payment of the debts and expenses of the city, and make regulations concerning the same; Assessing of  
taxes.

Thirty-fourth, To employ all persons confined for the non-payment of any fine, penalty, forfeiture or costs of any offense under this act or any ordinance of the council, in any jail, workhouse, or prison, at work or labor, either within or without the same, or upon any street or public work under the control of the council; to allow any person thus confined for the non-payment of any fine, forfeiture or costs, to pay and discharge the same by such work or labor, and to fix and value the price of such work and labor; Employment  
of prisoners.

Thirty-fifth, To punish all offenders for violations of or offenses against this act, or any by-law or any ordinance of the Punishment of  
offenders.

common council adopted and passed under this act or any other act of the legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Bay county, or any jail, prison or workhouse of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. The limit and character of punishment for offenses against the ordinances of the council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars, and no imprisonment one year.

**May purchase cemeteries.** Thirty-sixth. It shall have power to purchase for the use of the city, so much land without the limits of the city, as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city;

**Fire wardens.** Thirty-seventh, To provide for the appointment of such a number of fire wardens as it may deem necessary, and for the examination by them from time to time of the stoves, chimneys and flues, furnaces and heating apparatus, and devices in all dwellings, buildings and structures in the city, and in all places where combustibles or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition;

**Lighting.** Thirty-eighth, To provide, for the lighting of the streets and alleys, and the protection and safety of public lamps and lights;

**Regulate construction of drains, etc.** Thirty-ninth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, repair, purify, or abate any cellar, vault, slip, barn, private drain, sink, privy, lot, place or premises within the city which shall be damp, unwholesome, offensive, filthy or injurious to the public health, or be covered during any portion of the year with stagnant or impure water, or in such condition as to produce unwholesome or offensive exhalation, or to cause the same to be done by some proper officer of the city, and to assess the expense thereof on the lot or premises specially benefited thereby, in the manner herein provided for assessments for local improvements, and when the assessment rolls shall have been confirmed, the taxes so levied shall be a lien on the lands so assessed, and shall be collected in the same manner as herein provided for collecting taxes for such local improvements;

**Disturbing noises.** Fortieth, To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

**Scavengers, etc.** Forty-first, To prescribe rules to govern undertakers for burying the dead, to govern scavengers, porters and chimney-sweeps, and their compensation, and the fees to be paid by them into the city treasury for licenses;

**Forty-second,** To regulate the soliciting of guests for hotels, <sup>Soliciting of trade.</sup> and passengers and others to ride upon any railroad, boat, street car, omnibus or stage;

**Forty-third,** To fix and regulate the fees of jurors and witnesses in any proceedings under this act, or under any ordinance of the common council; <sup>Fees for jurors.</sup>

**Forty-fourth,** To sell or otherwise provide for disposing of <sup>Disposal of street cleanings.</sup> all dirt, filth, manure, cleanings or materials lying in or gathered from highways, streets, avenues, lanes, alleys and public places, and all earth to be removed therefrom, or from the public squares and grounds of said city in grading, paving, repaving or otherwise improving the same;

**Forty-fifth,** To regulate the construction of partition fences, <sup>Construction of fences, walls, etc.</sup> and of partition and parapet walls; the walls of buildings, the thickness of walls; to regulate the construction of chimneys, hearths, fire places, fire hearths, ovens and the putting up of stoves, stove pipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fire; to prohibit and prevent the burning out of chimneys, and chimney flues; to compel and regulate the cleaning thereof, and fix the fees therefor; to compel and regulate the construction of ash houses and deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures, except private houses, to discover whether the same are in a dangerous state and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons and to compel all officers of the city and other persons to aid in the extinguishment of fires and the preservation of property exposed to danger therefrom;

**Forty-sixth,** To provide for the inspection and management <sup>Inspection of boilers.</sup> of stationary and portable steam boilers and steam generators, to appoint one or more inspectors of portable and stationary steam boilers or steam generators, and to prescribe and regulate their powers, duties, fees and compensation, and to license and regulate engineers and firemen of portable or stationary steam boilers or steam generators, and all action heretofore taken by the council in appointing an inspector of such boilers, and in adopting an ordinance for the inspection thereof and the licensing of engineers is hereby ratified and confirmed;

**Forty-seventh,** To restrain and regulate laying, continuing, repairing or taking up or removing any gas pipes along and across any of the streets, sidewalks, lanes, alleys and public grounds in said city; <sup>Gas pipes.</sup>

**Forty-eighth,** To provide for calling meetings of the electors <sup>Elections.</sup> of the city;

**Forty-ninth,** To regulate the weight and quality of bread to <sup>Bread.</sup> be sold and used within the city;

**Fiftieth,** To regulate or prohibit, and to prescribe the location and height of telephone, telegraph and electric poles and wires within the limits of Bay City, and to regulate the manner <sup>Telephones and telegraph.</sup>

common council adopted and passed under this act or any other act of the legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Bay county, or any jail, prison or workhouse of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. The limit and character of punishment for offenses against the ordinances of the council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars, and no imprisonment one year.

**May purchase cemeteries.** Thirty-sixth, It shall have power to purchase for the use of the city, so much land without the limits of the city, as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city;

**Fire wardens.** Thirty-seventh, To provide for the appointment of such a number of fire wardens as it may deem necessary, and for the examination by them from time to time of the stoves, chimneys and flues, furnaces and heating apparatus, and devices in all dwellings, buildings and structures in the city, and in all places where combustibles or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition;

**Lighting.** Thirty-eighth, To provide, for the lighting of the streets and alleys, and the protection and safety of public lamps and lights;

**Regulate construction of drains, etc.** Thirty-ninth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, repair, purify, or abate any cellar, vault, slip, barn, private drain, sink, privy, lot, place or premises within the city which shall be damp, unwholesome, offensive, filthy or injurious to the public health, or be covered during any portion of the year with stagnant or impure water, or in such condition as to produce unwholesome or offensive exhalation, or to cause the same to be done by some proper officer of the city, and to assess the expense thereof on the lot or premises specially benefited thereby, in the manner herein provided for assessments for local improvements, and when the assessment rolls shall have been confirmed, the taxes so levied shall be a lien on the lands so assessed, and shall be collected in the same manner as herein provided for collecting taxes for such local improvements;

**Disturbing noises.** Fortieth, To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise and to prevent disturbing noises in the streets;

**Scavengers, etc.** Forty-first, To prescribe rules to govern undertakers for burying the dead, to govern scavengers, porters and chimney sweeps, and their compensation, and the fees to be paid by them into the city treasury for licenses;

**SEC. 39.** The common council of Bay City shall have power and authority, during the years nineteen hundred three, nineteen hundred four and nineteen hundred five, to borrow such sum or sums not exceeding sixty-one thousand dollars, as said council may deem necessary for the purpose of paying water-works bonds heretofore issued by said city of Bay City, which mature and become due during the years nineteen hundred three, nineteen hundred four and nineteen hundred five and for paying certain "Bridge bonds" heretofore issued by said city, which mature and become due during the year nineteen hundred five.

May borrow  
to pay certain  
bonds.

**SEC. 89.** The said board of health shall have such power and authority as ordinarily pertains to such boards and as are now

Powers of  
board of  
health.

or hereafter may be conferred upon boards of health by the general laws of the State relating to the public health; and shall perform such duties as are or may be required by such general laws:

Provido.

Provided, That when said board appoints or employs any officer or person for whose salary or compensation the city is or may be liable, such salary or compensation shall be fixed and determined by the common council, whose action thereon shall be final. Said board shall also appoint one of the members thereof health officer of said city, who shall be secretary of said board. Such health officer shall perform such duties as may be required by said board and the general laws of the State in regard to health officers, and shall have such powers as are or may be conferred by such general laws; he shall be selected with special reference to his knowledge of chemistry, hygiene and sanitary matters. Said health officer may be removed from office by the board of health, a majority of its members voting for such removal. The members of said board of health shall serve without compensation, but the health officer shall receive an annual salary, to be fixed by the council. Each member of said board shall have full police power in matters appertaining or belonging to said board, and it shall be the duty of any one or more of them to arrest any person who within his or their view, shall violate any general law of the State, or any by-law, ordinance or regulation of said city or board, relating to the public health.

To appoint  
health officer.

Board to  
serve without  
compensation.

**SEC. 106.** There shall be two assessors appointed by the common council, who, together with the comptroller, shall be designated and known as and perform the duties of assessors. The two assessors so appointed shall hold their office for the term of three years and until their successors have been appointed and qualified. One of said assessors appointed by the common council, shall be designated and known as chief assessor, who shall perform all clerical work of said board, supervise the making of the several rolls and perform such other duties for and of said city, not connected with or incidental to the assessment and taxation of persons and property, and not herein otherwise provided for, as are or may be required by the general law of township supervisors. Said chief assessor shall receive an annual compensation of one thousand dollars, and the other of said appointed assessors shall receive

Council to  
appoint  
assessors.

Term of office.

Salary of  
chief assessor.

of stringing wires on the same; to regulate the business of telephoning and conducting a telephone exchange in said city, and to compel all telephone and telegraph companies and others using electric wires to place their wires in conduits under ground, and to remove the poles, wires and apparatus of any person or company, in case of their refusal or neglect to comply with the provisions of any ordinance of the common council of Bay City; to compel all persons owning, managing, operating or using wires in said city, for the purpose of conveying electrical currents, or electricity for any purpose, to return such currents by aerial wiring or otherwise, so as to prevent electrolysis, and to provide for a liability by injury to public or private property from electrolysis;

**Building permits.**

Fifty-first. To require all persons, before constructing, altering or enlarging any building or other structure within the city limits, to obtain a permit therefor; and to regulate by ordinance the terms and conditions on which such building permit shall be granted and issued;

**City markets.**

Fifty-second. The council shall also have power, whenever it may deem necessary, to cause to be constructed a city market or markets, or other necessary public buildings, to acquire by purchase the necessary lands whereon to erect the same and to appoint the necessary officers thereof; to locate the same within or without the city limits, and to make such rules and regulations concerning the same as it may deem necessary or proper. The council may provide for erecting and maintaining a city hospital with any eleemosynary or charitable association, and provide for the joint management and control thereof. No such public building shall be constructed unless the council shall order the same by a three-fourths vote of all the aldermen-elect;

**License itinerant vendors.**

Fifty-third. To require transient traders and dealers and itinerant merchants to obtain a license before engaging in business in said city, and to prescribe and regulate the terms and conditions of issuing such license;

**Protection of health, property, etc.**

Fifty-fourth. The council shall have power to make all such other by-laws, ordinances and regulations as it may deem necessary for the safety and good government of the city, and to preserve the health, and to protect the persons and property of the inhabitants thereof.

**Council to fix salary of certain officers.**

SEC. 30. The council, except as herein otherwise provided, shall fix and determine the salary or compensation to be paid to the several officers and employes provided for in this act, or now or hereafter provided by any general law of the State, for whose salary or compensation the city is or may be made liable. The salary or compensation of all other officers and employes not herein specified shall be such sum or sums as the council shall direct. The salary or compensation of any officer or person elected, appointed or employed for a definite period of time shall not, after the election, appointment or employment of any such person, be increased or diminished for or during the period of time for which he is elected, appointed or employed, except by a two-thirds vote of all the aldermen elect.

**SEC. 39.** The common council of Bay City shall have power <sup>May borrow to pay certain bonds.</sup> and authority, during the years nineteen hundred three, nineteen hundred four and nineteen hundred five, to borrow such sum or sums not exceeding sixty-one thousand dollars, as said council may deem necessary for the purpose of paying water-works bonds heretofore issued by said city of Bay City, which mature and become due during the years nineteen hundred three, nineteen hundred four and nineteen hundred five and for paying certain "Bridge bonds" heretofore issued by said city, which mature and become due during the year nineteen hundred five.

**SEC. 89.** The said board of health shall have such power and authority as ordinarily pertains to such boards and as are now or hereafter may be conferred upon boards of health by the general laws of the State relating to the public health; and shall perform such duties as are or may be required by such general laws: Provided, That when said board appoints or employs any officer or person for whose salary or compensation the city is or may be liable, such salary or compensation shall be fixed and determined by the common council, whose action thereon shall be final. Said board shall also appoint one of the members thereof health officer of said city, who shall be secretary of said board. Such health officer shall perform such duties as may be required by said board and the general laws of the State in regard to health officers, and shall have such powers as are or may be conferred by such general laws; he shall be selected with special reference to his knowledge of chemistry, hygiene and sanitary matters. Said health officer may be removed from office by the board of health, a majority of its members voting for such removal. The members of said board of health shall serve without compensation, but the health officer shall receive an annual salary, to be fixed by the council. Each member of said board shall have full police power in matters appertaining or belonging to said board, and it shall be the duty of any one or more of them to arrest any person who within his or their view, shall violate any general law of the State, or any by-law, ordinance or regulation of said city or board, relating to the public health.

**SEC. 106.** There shall be two assessors appointed by the common council, who, together with the comptroller, shall be designated and known as and perform the duties of assessors. The two assessors so appointed shall hold their office for the term of three years and until their successors have been appointed and qualified. One of said assessors appointed by the common council, shall be designated and known as chief assessor, who shall perform all clerical work of said board, supervise the making of the several rolls and perform such other duties for and of said city, not connected with or incidental to the assessment and taxation of persons and property, and not herein otherwise provided for, as are or may be required by the general law of township supervisors. Said chief assessor shall receive an annual compensation of one thousand dollars, and the other of said appointed assessors shall receive

Powers of  
board of  
health.

Proviso.

To appoint  
health officer.

Board to  
serve without  
compensation.

Council to  
appoint  
assessors.

Term of office.

Salary of  
chief assessor.

**Proviso.** an annual compensation of five hundred dollars: Provided, That such compensation shall be full compensation and payment for all services rendered and performed by said assessors, under the requirements of this act or any State law now in force or hereafter adopted. The office of chief assessor shall be filled by John H. Wilkins, one of the assessors of said city, until the expiration of his term, after which his successor shall be appointed as and required to perform the duties of chief assessor. The other of said appointed assessors shall continue in office for the term for which he was appointed. No person who holds any State, county or other city office, except the comptroller, shall be eligible to or hold the office of assessor. The comptroller shall be chairman of said board, and any two members shall constitute a quorum.

**Who eligible to office.**

**When roll returned to comptroller.** SEC. 156. Within two days after the return day mentioned in said warrant, the treasurer shall return said roll to the comptroller. All taxes assessed and collected as school taxes, shall be applied to fill the school fund; all taxes collected and paid as city taxes shall be applied to fill the city fund, and taxes assessed and collected as highway taxes in each ward, shall be applied to fill the highway fund of that ward. The county tax roll hereinbefore mentioned shall be treated and regarded as the assessment roll of Bay City, in connection with the matter of equalization of assessment rolls by the board of supervisors, and for all purposes of assessing the county and State taxes apportioned to the city: Provided, however, That the equalization of value of the real property shall be of the city entire, as a unit, and not by wards. The total assessed valuation of the real property of said city, as shown by the several ward rolls thereof, shall be the basis of equalization by said board, of the equalization of said property: Provided, further, That it shall be sufficient to certify said equalization upon the highest numerical ward roll only of said city.

**County tax roll, how regarded.**

**Proviso.**

**Further proviso.**

**How process served on city.** SEC. 213. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or recorder at least ten days before the day of appearance mentioned therein. The said city shall not be required to give any bond or furnish any security for costs in any action at law, or suit in chancery or for the removal thereof by appeal or otherwise to an appellate court. It shall not be necessary to pay or tender any fees whatever to any witness subpoenaed on the part and behalf of said city in any action at law, or suit in chancery, but such witness, upon due service upon him of a subpoena, shall be bound to attend as if the fees allowed by law had been duly paid him. All such fees shall be allowed and paid by the common council upon the recommendation of the city attorney: Provided, That no witness fee shall be allowed or paid to any city officer or employee receiving a stated daily, weekly, monthly or yearly salary, for attendance as a witness in any cause on behalf of

**City not required to give security.**

**Proviso.**

said city, unless such attendance shall create a diminution of such salary.

Sec. 2. All acts and parts of acts contravening or in conflict with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved April 2, 1903.

[No. 394.]

AN ACT to amend sections fourteen and eighteen of title six, and to add eleven new sections to said title six of act number four hundred twenty-four of the local acts of eighteen hundred ninety-five, entitled "An act to incorporate the city of Traverse City in the county of Grand Traverse, and to repeal all acts and parts of acts in conflict therewith," as amended by the several acts amendatory thereof.

*The People of the State of Michigan enact:*

SECTION 1. Sections fourteen and eighteen of title six, of act number four hundred twenty-four of the Local Acts of eighteen hundred ninety-five, entitled "An act to incorporate the city of Traverse City in the county of Grand Traverse, and to repeal all acts or parts of acts in conflict therewith," as amended by the several acts amendatory thereof, are hereby amended to read as herein, and that eleven new sections be added to said title six, which shall read and be numbered as hereinafter recited:

## TITLE VI.

### City Treasurer.

Sec. 14. The city treasurer shall be ex-officio collector and shall collect the State and county taxes and all other taxes and assessments levied within the city; he shall perform his duties in relation to the collection of taxes as the laws of the State and the ordinances of the council may prescribe and shall be subject to all the requirements of the general laws of the State relating to the collection of such State and county taxes; and for that purpose shall give bonds to said city in such sum and with such surety or sureties as the council shall require and approve; and such treasurer shall also give to the treasurer of the county of Grand Traverse such further surety as is, or may be hereafter required by law of the several township treasurers of the several townships of this State; and he shall keep an accurate account of and be charged with all the taxes and moneys appropriated, raised or received for each fund of the city, and shall keep a separate account for each

To have same powers as township treasurer.

To have charge of school money.

To keep accounts.

Books open to public.

Council may contract with depositories.

May terminate contracts.

Council may regulate drawing of money.

fund and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant is issued and having the name of such fund endorsed thereon by the clerk. For the purpose of collection and return of all taxes and the return of property, delinquent for the nonpayment of taxes and for purposes of suits for the collection of taxes, the said treasurer on giving bonds or surety so required shall possess all the powers and perform all the duties of the several township treasurers of this State as prescribed by law, and shall perform such other duties respecting the collection and return of taxes as this act imposes.

SEC. 18. The city treasurer shall receive all moneys paid in for school purposes, and all moneys belonging to the city, except such as are required by this act, to be in the keeping of some other officer, and shall deposit the same daily in the city depository or depositories, selected and designated by the council, and shall take vouchers therefor in duplicate, filing one of said vouchers with the city clerk of said city, and filing the other in the office of the city treasurer. Said city treasurer shall keep an account of all receipts and expenditures of said city, in such manner as the council shall direct, in proper books of account, to be provided by said city, which books of account shall be the property of said city, and constitute a part of the public records thereof. The books required to be kept by such depository or depositories, shall at all times, during the business hours of the day, be kept open and subject to be inspected by any member of the council, the city treasurer, the city clerk or the city attorney.

SEC. 18a. The council shall have the power to contract with any safe and secure banking institution or institutions in said city, for a period not exceeding three years as a depository or depositories for the safe keeping of the public moneys belonging to, or in the custody of said city, and for the payment of interest thereon, at a rate not exceeding that established by law, upon such moneys of the city, or in its custody, deposited with such banking institution or institutions to be drawn from on current account, by said city through its proper officers, or officer, which said interest shall belong to and be credited to the general fund of the said city. Every such contract with a banking institution shall contain an agreement upon the part of such banking institution, permitting the council whenever it shall deem that the interests of the city require it, to terminate such contract and withdraw all the money deposited with such institution, and in such case the books required to be kept by such depository shall be delivered into the custody of the clerk, by such depository.

SEC. 18b. The council of said city by ordinance, resolution or otherwise, may make such rules and regulations, and prescribe such conditions relative to entering into any contract with any depository or depositories of all such moneys as aforesaid, the drawing upon such moneys, and the security to be given by such depository or depositories, as the said council

may deem reasonable and just and for the best interests and security of the said city, not inconsistent with the provisions of this act.

Sec. 18c. The depository or depositories so designated by the council, shall keep an accurate account in a set of books, deposited with such depository or depositories, such books to be provided by the said city, and to belong to said city, and to constitute a part of the public records of said city, and to be by the outgoing depository or depositories delivered to the depository or depositories succeeding to the trust. Such depository or depositories shall report in writing monthly to the council of said city, the amount of moneys belonging to or in the custody of said city, then on deposit with such depository or depositories.

Sec. 18d. The council of the said city shall, on the second Monday of April next preceding the termination of any existing contract, or within ten days thereafter, advertise in one of the official newspapers of said city, for a period of at least one week, after the first insertion of such advertisement, for sealed proposals from the banking institutions in said city, for the highest rate of interest obtainable from such banking institutions on daily balances of money belonging to the city, or in its custody, and the lowest rate of interest to be paid by the city for such temporary loans as the city shall have power to make.

Sec. 18e. The council shall have the power to award the deposit of the moneys belonging to the city or in its custody, in such quantities, as may be for the best interests of the city, to such safe and secure banking institution or institutions within said city, as shall offer the best terms to such advertisement, and in accordance therewith, and shall require such depository or depositories to give suitable bonds in such penalty as the council shall determine, and with such sureties as the council shall approve, before any transfer of any such moneys as aforesaid, can be made to such depository or depositories.

Sec. 18f. In case no agreement is entered into for depositing any of the moneys as aforesaid or in case such agreement is terminated, and at any time when there shall be no such depository or depositories, the city treasurer shall receive and deposit all money belonging to the city or in its custody in bank or banks as ordered by city council and which in accordance with the provisions of this act shall come into his hands and shall pay the same out upon warrants drawn upon him as provided by law.

Sec. 18g. All moneys drawn from the city depository or depositories for city purposes, shall be drawn by warrants, designating the depository, signed by the clerk and counter-signed by the mayor of said city. All warrants drawn upon the city treasurer for city purposes, shall be drawn in pursuance of an order from the council, which warrants shall be signed

Depositories  
to keep ac-  
counts.

To report to  
council.

Council to  
obtain bids for  
loans.

To care for  
deposit of  
city moneys.

When treas-  
urer to de-  
posit money.

Money drawn  
by warrants.

Warrants,  
how signed,  
etc.

by said clerk and countersigned by the mayor of said city, and every such warrant shall specify for what purpose the amount named therein is paid, and out of which particular fund payable, and the clerk shall keep an accurate account, under appropriate heads, of all expenditures and of all orders and warrants drawn upon the city treasurer, in suitable books to be kept by him for that purpose, which books shall be furnished by, belong to and be a part of the public records of said city.

**When clerk  
to draw  
warrants.**

SEC. 18h. On the order of the council, it shall be the duty of the city clerk, after the expiration of at least twenty-four hours, next following any regular or special session of the council, at which any claim or demand against the city has been allowed, to draw a warrant or check on the city depository or depositaries, designated by the council, for the aggregate sum of all claims and demands against said city, allowed at any such regular or special session of said council; which said warrant or check for the aggregate sum shall be signed by said city clerk, and countersigned by the mayor of said city, and payable to the order of the treasurer of said city: Provided, That no item or items of such claims or demands shall be included in any such aggregate, or in the warrant or check drawn therefor, to the allowance of which by the council the mayor shall have interposed his veto, in the manner provided for in this act; nor shall any item or items of such claims or demands for the payment of which there are not sufficient funds out of which they may be lawfully paid, be included in such aggregate or in such warrant or check. The city treasurer shall draw from the city depository or depositaries the amount called for by such warrant or check, and use the same to pay the said claims and demands in the manner provided for in this act.

**Proviso.**

**Clerk to re-  
port warrants  
drawn to  
council.**

SEC. 18i. The city clerk shall, at the first regular meeting of the council of said city in each month, report in writing to said council the amount of all warrants drawn as aforesaid, upon the city treasurer, which have not been called for within thirty days after the countersigning of such warrants, together with the name of the person to whom each of the said warrants is payable, and out of what city funds payable. Upon the receipt of such report the said council shall have power to order the cancellation of such warrants not called for, and to instruct the city treasurer to forthwith deposit in the depository or depositaries designated by the council, the aggregate amount of the warrants covered by such monthly report: Provided, That any such cancellation shall not be taken or held to impair or render void the legality of any claim or demand. The city treasurer shall, in respect to the school moneys received by him, perform all duties, and be subject to all the liabilities that the township treasurers of the State are now or in future shall be subject to by law, in respect to the keeping and paying out of moneys collected for school purposes.

**Council may  
cancel war-  
rants.**

**Proviso.**

**Treasurer to  
make annual  
report to  
council.**

SEC. 18j. The books and accounts of the city treasurer shall be open to the inspection of any elector of said city. The

city treasurer shall exhibit to the council in the month of April of each year, a full and fair account of the receipts and expenditures of the said city, and all moneys coming into his hands by virtue of his office, since the date of the last annual report of the city treasurer, and also the state of the treasury of said city, and such other matters as he may deem advisable, and to the interests of the city, which account, if found correct, shall be printed and filed in the office of the city clerk. And he shall from time to time make such other reports as the council shall require.

SEC. 18k. The council is hereby authorized to require new Council may bonds or security from the city treasurer, and require new bonds from the depositories of all moneys belonging to the city, or in the custody of the city and deposited in such depositories, at any time, or times, when it shall deem the interests of the city require it should be done to protect the city against loss or risk of loss of any moneys deposited, or to be deposited with such city treasurer or city depositories.

This act is ordered to take immediate effect.

Approved April 2, 1903.

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[No. 395.]

**AN ACT to vacate the plat of Central City and Buel's addition thereto, in the county of Midland and State of Michigan.**

*The People of the State of Michigan enact:*

SECTION 1. The plat of Central City and the plat of Buel's <sup>Plat vacated.</sup> addition to Central City, in the county of Midland and State of Michigan, and recorded in the office of the register of deeds for Midland county, the territory included within the limits of said plats being situated as follows, to wit: The east one-half and <sup>Territory.</sup> a small strip off of east side of west half of section fifteen and west half of section fourteen and northwest of northwest of section twenty-three, township fourteen north, of range two west, Buel's addition; east part of west half and west part of east half of section fourteen; and east part of south part of northwest quarter of northwest quarter of section twenty-three township fourteen north, of range two west, is hereby vacated.

SEC. 2. After the passage of this act, all assessments of <sup>Making of</sup> <sup>assessments.</sup> said territory included within the lines of said plats as specified in section one of this act shall be made and described without reference to said plat, but shall follow as near as may be the subdivisions as made by the government survey: <sup>Provided,</sup> <sup>Proviso.</sup> However, This act shall not be construed as vacating any public street or highway in said plats.

This act is ordered to take immediate effect.

Approved April 2, 1903.

[No. 396.]

AN ACT to authorize the village of Grass Lake, in the county of Jackson, and State of Michigan, to borrow money and issue bonds therefor, the proceeds of which are to be used for the purchase of real estate for public grounds, parks, markets, public buildings, and for other purposes necessary or convenient for the public good, and to promote and make any public improvement in said village.

*The People of the State of Michigan enact:*

Bond issue by  
village.

SECTION 1. The village of Grass Lake, in the county of Jackson, shall be and is hereby authorized to borrow money on the faith and credit of the said village, and to issue bonds therefor, to an amount not exceeding fifteen thousand dollars, which shall be expended for the purchase of real estate for public grounds, parks, markets, public buildings, and for other purposes necessary or convenient for the public good, and for the encouragement and promotion of any public improvement for the benefit of said village, under such rules and regulations as said village council shall prescribe: Provided, That a majority of the electors of said village, voting at an election held in accordance with the provisions of this act, shall vote in favor of the said loan in the manner specified in this act, and not otherwise.

Proviso.

Question to  
be submitted  
to electors.

SEC. 2. The question of raising the said money and issuing such bonds shall be submitted by the village council of the said village to the electors thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, eighteen hundred ninety-five, and the amendments thereto, if any. The village council shall have the power to order a special election when it may, by said council, be deemed necessary to carry out the provisions of this act, and the proceedings had at such special election shall be the same as at general elections held within said village, except that those electors voting for the said loan shall have written or printed on their ballots the words: "For bonding the village to an amount not exceeding the sum of fifteen thousand dollars—Yes;" and those voting against the loan shall have written or printed on their ballots the words: "For bonding the village to an amount not exceeding fifteen thousand dollars—No."

Council may  
order special  
election.

Form of  
ballot.

When bonds  
may be issued.

Rate of inter-  
est, how  
signed, etc.

SEC. 3. If said loan shall be authorized by a majority of the electors voting at such election such bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times, with such rates of interest, not exceeding six per cent per annum, as said village council shall direct, and shall be signed by the president of said village and countersigned by the clerk of said village and negotiated by or under the direction of said village council; and the money raised

therefrom shall be appropriated in such manner as said village council shall determine for the purposes aforesaid; and the <sup>Tax for, how raised.</sup> said village council shall have the power, and it shall be their duty, to raise by taxes upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved April 2, 1903.

[No. 397.]

AN ACT to authorize the city of Ionia to refund certain of its bonds.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Ionia is here-<sup>Council may issue bonds</sup> by authorized to issue its bonds to the amount of six thousand dollars, for the purpose of redeeming and retiring the same amount of general fund bonds, now past due, and which were issued under date of November tenth, eighteen hundred ninety-one; said new issue of bonds to bear a rate of interest not to exceed four per cent, and to run for a period not to exceed twenty years.

This act is ordered to take immediate effect.

Approved April 2, 1903.

[No. 398.]

AN ACT to amend section one of act number three hundred twenty-one of the local acts of eighteen hundred seventy-seven, entitled "An act to incorporate the village of Rogers," approved May first, eighteen hundred seventy-seven.

*The People of the State of Michigan enact:*

SECTION 1. Section one of act number three hundred twenty-one of the local acts of eighteen hundred seventy-seven, entitled "An act to incorporate the village of Rogers," approved May first, eighteen hundred seventy-seven, is hereby amended so as to read as follows:

SECTION 1. The following described territory, to wit: En-<sup>Section amended.</sup> tire fractional section fifteen, the north fractional half of sec-<sup>Territory to contain.</sup> tion twenty-two and the north half of the southwest quarter and lots three and four of section twenty-three, all in town

thirty-five, north of range five east, are hereby made and constituted a village corporate by the name of the village of Rogers by virtue of and under the provisions of an act, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred seventy-five.

This act is ordered to take immediate effect.

Approved April 2, 1903.

[No. 399.]

**AN ACT to provide for the public care of country cemeteries of Kalamazoo county.**

*\*The People of the State of Michigan enact:*

**When board of health to accept cemetery.**

SECTION 1. Whenever any country cemetery association of Kalamazoo county, free from debt, through its officers or trustees, shall offer or tender a deed of such cemetery free from all incumbrances, to the local board of health of the township in which such cemetery is located, it shall be the duty of said board to accept such deed in trust for the township; and it shall then be obligatory upon the township to raise by tax each year for every cemetery so deeded, such amount of money as may be necessary to keep it fenced in and in proper condition. And it shall be the duty of the highway commissioner of the township to see that all such cemeteries are kept in a proper condition, he to be paid the same for such work as for other township work.

**Duty of highway commissioner.**

This act is ordered to take immediate effect.

Approved April 2, 1903.

[No. 400.]

**AN ACT to provide a sinking fund for the payment of certain indebtedness of the city of Grand Rapids and a board of sinking fund commissioners for the care, custody and disposal of such fund.**

*The People of the State of Michigan enact:*

**Who to constitute sinking fund commissioners.**

SECTION 1. The mayor, clerk, comptroller and treasurer of the city of Grand Rapids and the chairman of the committee on ways and means, of the common council of said city, and their successors in office, by virtue of their offices, and two electors who shall be citizens and freeholders of the city of

Grand Rapids, to be elected by said several officials, for two years each, one to be elected each year, on May first, or as soon thereafter as practicable, and one of whom after the taking effect of this act shall first be elected for one year, shall constitute and be a "Board of Sinking Fund Commissioners."

Sec. 2. The board of sinking fund commissioners shall from time to time, upon the best terms they can make, purchase or pay the outstanding bonded debt of said city, or such part thereof as they may be able to purchase or pay, until the full amount thereof be fully purchased or paid. Whenever they cannot arrange for the purchasing or paying of said debt, or any part thereof, they shall temporarily and until they can so arrange, invest the moneys belonging to the sinking fund in such interest bearing securities as they may deem safe and advisable; and all matured bonds and evidences of debt thus purchased shall be delivered to the city treasurer and shall become and be the property of the city of Grand Rapids, held and controlled by said board of sinking fund commissioners, and the interest thereon, as it thereafter becomes due shall be credited to and shall belong to the said sinking fund. The city treasurer shall endorse upon the back of all bonds so purchased by the sinking fund commissioners the following, viz.: "Registered bonds, not transferable without the written consent of the mayor, comptroller and city treasurer endorsed thereon." And such bonds shall only be transferred and sold under the direction of the board of sinking fund commissioners. In making temporary investment of the moneys of the sinking fund, the said board shall give preference to bonds of the city of Grand Rapids, but may subsequently sell the same and apply the proceeds to the purchase of other securities or to the payment of other bonds of the city, whenever such action is deemed advisable.

Sec. 3. Said board shall have exclusive control of the moneys of the sinking fund and shall faithfully apply the same, whenever possible, or it may appear to the city's interest, to the payment of the bonded indebtedness of the city of Grand Rapids, and to no other purpose whatever. The board may temporarily invest any portion of the sinking fund in so-called "Street Improvement Bonds of the city of Grand Rapids," but no portion of the sinking fund shall be applied to the ultimate payment of any of such bonds.

Sec. 4. Said board of sinking fund commissioners shall meet from time to time for the transaction of business, and may adopt rules of proceeding for their meetings. A majority of the whole board shall be a quorum for the transaction of business, but they shall not purchase in or pay the outstanding debt of said city, or invest any of the moneys belonging to the sinking fund, as above provided, except under a resolution for such purposes, passed and approved by a two-thirds vote of the whole board by yeas and nays, to be entered of record at a regular meeting or at a special meeting called for such purpose.

**Officers of board.**

The mayor of said city, or in case of his absence, some member to be designated by those present, shall preside at meeting of said board. The city clerk shall be the clerk of the board of sinking fund commissioners, and it shall be his duty to keep a true record of all meetings of said board, which record shall be kept on file in and shall be a part of the records of the office of the city clerk.

**Treasurer to have charge of moneys.**

SEC. 5. The treasurer shall have custody of all moneys, securities and evidences of debt belonging to or pertaining to the sinking fund and he shall pay out the moneys of said fund only by order of the board of commissioners on a two-thirds vote of the members thereof directed as aforesaid, and upon the warrant of the city comptroller. The official bond of the city treasurer shall cover any and all funds in his hands belonging to the sinking fund.

**To report to council.**

SEC. 6. Said commissioners shall from time to time but at least annually, and whenever requested by the common council of said city, make report of their meetings, which report shall be made to the common council and be referred to and filed with the city comptroller, and be recorded by him in some proper book to be provided by him for such purpose. They shall recommend to the common council the sum of money that in their judgment should be placed in the next annual budget, and raised by direct taxation for the benefit of the sinking fund.

**Council to levy tax for sinking fund.**

SEC. 7. The common council shall in each year levy and collect a tax for the benefit of the sinking fund of not less than one-fifth of a mill on a dollar, nor more than four-fifths of a mill on a dollar in any one year, upon the real estate and personal property in said city not exempt from taxation by the general laws of the State, and upon all of the personal property of residents of the city, not exempt from taxation by such general laws. Whenever any bonds of the city of Grand Rapids shall be sold for more than par value, all of the premium or amount received at such sale more than the par or face value of the bonds sold shall be credited and belong to the sinking fund. All of the interest paid to the city by the city depository or depositories, as provided for by title four of the revised charter of the city of Grand Rapids, approved March twenty-fifth, eighteen hundred ninety-seven, shall belong to and be placed in the sinking fund of said city.

**Expenses of board.**

SEC. 8. The necessary expenses of the board in performing any of the duties imposed upon it by this act shall be a proper charge against the city, to be paid by the said common council from the general fund.

**When certain moneys credited to sinking fund.**

SEC. 9. Any and all moneys properly belonging to or due the sinking fund of said city, on the passage of this act, shall on the first day of May, nineteen hundred three, or within a reasonable time thereafter be credited to and belong to the sinking fund herein provided for, and shall at once be subject to the order of the board of sinking fund commissioners.

SEC. 10. Said board of sinking fund commissioners are authorized to adopt rules not in conflict herewith, for the government of their action, and shall be authorized for the purpose of enforcing the collection of any bonds or securities taken by them to bring suit in the name of the city of Grand Rapids, in any court of competent jurisdiction. All acts and parts of acts in conflict herewith are hereby repealed.

Board may  
adopt rules.

Repealing  
clause.

This act is ordered to take immediate effect.

Approved April 2, 1903.

[No. 401.]

AN ACT to provide a board of library commissioners to have charge and management of the public district library and library property and art gallery property in the city of Grand Rapids.

*The People of the State of Michigan enact:*

SECTION 1. At the annual school election next succeeding the passage of this act, there shall be elected five library commissioners. Of the five persons so elected, one shall hold office for one year, one for two years, one for three years, one for four years and one for five years, and each until his successor is elected and qualified. The five persons so elected, shall by lot, determine the term of each. At each annual election thereafter, one library commissioner shall be elected, who shall hold office for five years, and until his successor is elected and qualified. Notice of the election of such commissioners shall be given in the same manner as that of other city officials.

Library com-  
missioners,  
when elected,  
etc.

SEC. 2. The five library commissioners so elected, with the superintendent of schools, and their successors shall constitute the board of library commissioners of the city of Grand Rapids, but the superintendent of schools shall not have the right to vote on any matter involving the expenditure of money. Such board shall have the entire management and control of the so-called public library of said city, being the district library, and of all property and assets belonging thereto, real or personal, the title to which is now vested in the board of education, and which is devoted to or intended for library purposes, also of all property now or hereafter belonging to the city and intended for or devoted to an art gallery, or similar purposes.

How consti-  
tuted, duties,  
etc.

SEC. 3. The elections of such office shall be upon a separate ballot, and in a separate box from all other offices or questions voted upon. Those persons eligible to vote for school officers shall be eligible to vote for library commissioners. The result of the vote shall be canvassed and declared in the same manner as in the case of city officers.

Election, how  
conducted.

Printing, etc.,  
of ballots.

SEC. 4. Any qualified voter at school elections in the city shall be eligible to election as library commissioner. The city clerk shall prepare and print in suitable numbers, and distribute to the various polling places, as other tickets are distributed, a ballot for library commissioners, on which he shall place, in alphabetical order, the names of all persons eligible to such office, who have at least seven days before the day of election, filed with the city clerk a consent in writing to be a candidate in such election, accompanied by a petition signed by not less than twenty-five qualified voters of the city ratifying such candidacy. Such ballot shall be headed "Ballot for Library Commission," and the city clerk shall cause to be printed on each ballot, instructions as to the method of voting it. The ballots shall be printed, arranged and distributed in the same manner as near as may be as is provided by act four hundred seventy-one of the local acts of nineteen hundred one.

Ballots, how  
marked.

SEC. 5. All such names shall be placed in one column on such ticket. It shall contain no party or opposing divisions of any kind. The voter shall place a mark opposite the name or names for whom he desires to vote, not exceeding in number the number of commissioners to be chosen at such election; but he may, instead of so doing, write upon or attach to such ballot the name of any other person eligible. All regulations contained in the general law governing school elections, and not inconsistent herewith, shall apply to such voting and ballot and the counting thereof.

Conducting of  
elections.

SEC. 6. The city clerk shall notify every person so elected library commissioner, and he shall within ten days after receiving such notification, file with the city clerk his acceptance in writing of such office. In the absence of such acceptance the position shall be vacant and shall be filled as a vacancy.

Vacancy, how  
filled.

SEC. 7. In case of the death or resignation or removal from the city of any commissioner, his position shall become vacant, and the vacancy shall be filled by election by the remainder of the board, but for a term continuing only until the next charter election, at which time a successor for the unexpired term shall be nominated and elected in the manner herein provided.

Compensa-  
tion of board.

SEC. 8. No member of such board shall receive any compensation whatever for his services in connection therewith. Annually on the first Monday after the school election in September, the board shall organize by electing one of its members president, and one of its members secretary. The city treasurer of the city of Grand Rapids shall hold the funds of said library commission, and all bills by it incurred shall be audited by said board and certified by it to the city comptroller, to be allowed by the common council and paid from the special library fund.

City treasurer  
to hold funds.

SEC. 9. The board may employ such librarian, assistants, janitors and other employes, or workmen as it may determine, and may fix their salaries. It may purchase such books, charts, maps and apparatus for the use of the library, as it may determine, and may do every act and thing necessary properly to

Board may  
employ libra-  
rian, etc.

maintain the library and library building and grounds and increase the usefulness of such library. For this purpose it may establish, and from time to time alter, amend or repeal such rules and regulations as it thinks proper, not inconsistent with this act.

Sec. 10. All fines and penalties, which by law are devoted to library purposes, and which now by law, are paid to the board of education for such purposes, shall instead thereof, be paid to the board created by this act, unless the board of education should direct such fines and penalties to be devoted to other lawful purposes. Fines, etc., to whom paid.

Sec. 11. The board shall annually, on or before the first Monday of April, present to the common council its estimate of the amount of money necessary to be appropriated for library purposes for the ensuing year, and the council shall include in the amount raised by taxation for the ensuing year, such amount as it thinks proper for library purposes. The amount so appropriated shall be, by the city treasurer retained as a library fund. Any money remaining unexpended by the board of education in its library or library expense fund, at the time the board of library commissioners organizes, shall be by the board of education paid over to the board of library commissioners. The council may also provide from time to time, temporarily, funds for the purposes of such board in such manner and in such amount as the council determines to be necessary. Board to present estimate of money needed to council.

Sec. 12. Annually, on the first day of April, the board shall present to the common council its report, containing the full financial statement of all moneys received and the details of the expenditures of the same, and such facts regarding the library and recommendations concerning the same as the board shall think proper. To report to council.

Sec. 13. Whenever necessary for the enforcement of powers, rights and privileges conferred upon the said board, it may in the name of the board of education of the city of Grand Rapids, institute in any court of competent jurisdiction, an action at law or in equity, to enforce or protect the property herein placed in its charge, or the powers and privileges hereby given to such board: Provided. That this act shall not become operative unless approved at the charter election to be held in Grand Rapids, April sixth, nineteen hundred three, by a majority of those voting upon such proposition. The election commission of said city shall at any time before such election, prepare and distribute ballots in the same general manner required for a charter election. Such ballots shall read: "Shall the bill for a library commission for Grand Rapids be approved? Yes. [ ] No. [ ]" Such ballots may be upon the same paper and deposited in the same box, with any other proposition submitted at the same time. May institute suits. Proviso as to election. Form of ballot.

Sec. 14. All acts and parts of acts contravening or in any wise inconsistent herewith are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved April 2, 1903.

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[No. 402.]

AN ACT to re-incorporate the city of Hastings, and to repeal act number two hundred sixteen of the session laws of eighteen hundred seventy-one, entitled "An act to incorporate the city of Hastings," approved March eleventh, one thousand eight hundred seventy-one, as revised and amended by the several acts revisionary and amendatory thereof.

*The People of the State of Michigan enact:*

## CHAPTER I.

### INCORPORATION AND BOUNDARIES.

SECTION 1. That act number two hundred sixteen of the session laws of eighteen hundred seventy-one, entitled "An act to incorporate the city of Hastings," approved March eleventh, one thousand eight hundred seventy-one, as revised and amended by the several acts revisionary and amendatory thereof, be and the same is hereby repealed.

### INCORPORATION, POWERS.

SEC. 2. That the corporation heretofore created and known as the city of Hastings, and the inhabitants thereof, shall be, and the same are hereby created and constituted a corporation by the name of "The City of Hastings," and by that name may sue and be sued, implead and be impleaded, complain and defend in any and all courts of law or equity; may have a common seal and alter it at pleasure, and may take, hold, and dispose of real, personal and mixed estate, for the use of said corporation.

### TERRITORY INCORPORATED.

SEC. 3. That all that portion of the township of Hastings, in the county of Barry, known and described as the entire of sections seven, eight, seventeen and eighteen, the north half of section nineteen, the north half of section twenty, the west one-fourth of section sixteen and the west half of the northwest quarter of section twenty-one, shall be, and the same is hereby constituted a city corporate so far as the same is not already so constituted, under the name of "The City of Hastings," and subject to the municipal control of said corporation.

## CHAPTER II.

### WARDS AND THEIR BOUNDARIES.

SECTION 1. The city of Hastings shall be divided into four wards, with their several boundaries established as follows:

The first ward shall embrace all that portion of said city lying north of the Thornapple river.

The second ward shall embrace all that portion of said city lying south of the Thornapple river and east of Fall creek.

The third ward shall embrace all that portion of said city lying south of Thornapple river, west of Fall creek, and east of Church street and the continuous line thereof.

The fourth ward shall embrace all that portion of said city lying south of Thornapple river and west of Church street and the continuous line thereof.

### CHAPTER III.

#### OFFICERS OF THE CITY.

SECTION 1. The following officers shall be elected from among the qualified electors of said city, to wit: One mayor, one city clerk, (who shall be ex officio clerk of the water committee), one treasurer, two justices of the peace, and two members of the board of review; and such officers shall be elected in the following manner: The mayor shall be elected bi-ennially commencing with the election in April, nineteen hundred four, and every second year thereafter; the city clerk shall be elected bi-ennially, commencing with the election in April, nineteen hundred three, alternating with the mayor so that one or the other shall be elected each year, and they shall hold their office for the term of two years and until their successors are elected and qualified; the treasurer shall be elected for one year and shall hold his office until his successor is elected and qualified. The treasurer shall not hold his office for more than two terms in succession. There shall also be elected bi-ennially one justice of the peace; the first to be elected at the election in April, nineteen hundred three, and the other to be elected at the election in April, nineteen hundred five, and the term of justices of the peace under and by virtue of this act shall commence on the fourth day of July following their election and they shall hold their office for the same length of time as justices of the peace elected in and for the several townships of this State. There shall also be elected annually one member of the board of review for the term of two years. There shall also be elected annually, in wards one and four, one supervisor, and in wards two and three, one supervisor, each for one year, and shall hold their office until their successors are elected and qualified: Provided, That at the election to be held in April, nineteen hundred three, a mayor shall be elected for the term of one year.

#### WARD OFFICERS.

SEC. 2. There shall also be elected at the same time, in each of the several wards, one alderman and one constable. The alderman shall be elected for two years and until his successor is elected and qualified; the constable shall be elected for one year and until his successor is elected and qualified.

## CHAPTER IV.

### ELECTORS, ELECTIONS AND REGISTRATION, ELECTIONS.

SECTION 1. The annual elections under this act shall be held on the first Monday in April in each year, and at such places in each ward as the council shall designate, and of which election the city clerk shall give at least ten days notice by posting the same in at least three public places in each ward, or by publication in at least one newspaper published in said city.

#### ELECTORS.

SEC. 2. The inhabitants of the city having the qualifications of electors under the constitution of the State, and no others, shall be electors therein, and every elector shall vote in the ward or election district where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward or election district in which is located his regular place of lodging.

#### SIX HUNDRED FIFTY ELECTORS OR MORE.

SEC. 3. Should there be more than six hundred fifty electors in any ward of the city, according to the poll list of the last preceding election, the council shall cause such ward to be divided into two or more voting precincts or districts. The manner of making such division, the creation of election inspectors and boards of registration therein, and all matters pertaining to such division, and the holding of elections in such districts, not covered by the provisions of this act, shall be provided for by the council making such division.

#### BOARD OF REGISTRATION.

SEC. 4. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If, by reason of a change of boundary of any ward, or the formation of a new ward, or the formation of more than one election district in a ward, or other cause, there shall not be any, or a sufficient number of aldermen representing such ward or residing within each election district, to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward or election district. The members composing such board of registration shall each receive four dollars as compensation for their services on such board.

#### REGISTRATION IN NEW PRECINCTS.

SEC. 5. When changes shall be made in any ward or wards or a new ward shall be formed in whole or in part from the territory of other wards, or when a ward shall be divided into

voting districts, the boards of registration of the respective wards or voting districts affected by the change shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another, or to a new ward, or from one voting district to another, shall be copied into the register of the ward or district to which the transfer was made, and be stricken from the register of the ward or district from which the elector was transferred by the change.

#### REGISTRATION, TIME OF.

SEC. 6. Each ward, unless otherwise subdivided, shall be an election district. On the third Tuesday and Wednesday preceding a general, regular city, or any special election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each person then actually residing in the ward or voting precinct, and who, at the then next approaching election may be a qualified elector and whose name is not already registered, to have his name entered in the register of such ward or voting district.

#### NOTICE OF REGISTRATION.

SEC. 7. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward and voting district of the city where the board of registration will meet, and at least eight days before such session of the board the city clerk shall give notice by hand-bills posted in three public places in each ward or voting district, or by publication in one or more newspapers printed in the city, the week previous to such meeting, of the time and places in each ward or voting district when and where the board of registration for such ward and voting district will meet. Except as in this act otherwise provided, the general laws of the State relating to the registration of electors in cities shall apply to the registration of electors under the provisions of this act.

#### ELECTION COMMISSIONERS.

SEC. 8. The city clerk and any two aldermen appointed by the mayor for that purpose, shall constitute the election commission, who shall have charge of the preparation of the official ballots and such other matters as devolve upon similar officers under the general election laws of this State.

**NOTICE OF ELECTION, POLLING PLACES.**

SEC. 9. Notice of the time and place of holding an election, and of the officers to be elected, and the questions and propositions, if any, to be voted upon, except otherwise provided for, shall be given by the city clerk at least ten days previous to such election, by posting such notices in three public places in said city, or by publishing a copy thereof in a newspaper printed and published in said city in the two issues thereof preceding such election. The council shall designate the polling places of the different wards or voting districts and such designation may be made at any time previous to the time provided for giving notice of election. In case the council shall fail to designate polling places previous to any election, such election shall be held at the polling places used at the last election, or in case it shall be inconvenient or impossible to use any such polling place, the inspectors of election of such voting precinct shall proceed in accordance with section two thousand two hundred eighty-seven of the Compiled Laws of eighteen hundred ninety-seven.

**SPECIAL ELECTIONS.**

SEC. 10. Special elections may be held by resolution of the council and held at the polling places used at the last election in the respective wards or voting districts in said city, unless otherwise provided for by the council. The purpose and object of all special elections shall be fully set forth in the resolution appointing the same, and the notice thereof provided for in the preceding section shall also contain the purpose and object of such election.

**OPENING AND CLOSING OF POLLS.**

SEC. 11. On the day of election the polls shall be opened and closed at the same hours as provided by law for the election of State officers, and be governed by the provisions of the State law, except as herein otherwise provided.

**INSPECTORS OF ELECTION.**

SEC. 12. The aldermen of each ward shall be inspectors of election for such ward. The electors of each ward, present at the time of opening of the polls on election day, shall elect from the electors of the ward or voting district such number of additional inspectors of election as shall make the number of inspectors of election in any voting district, equal to the number required by the general election laws of this State, and the electors so elected, together with the aldermen of the ward, shall constitute the board of election inspectors in the various voting districts or wards of the city. The inspectors may employ one or more electors of the ward or voting district as polling clerks, who shall receive such compensation, not exceeding two dollars per day, as the council may prescribe. In

case of the failure of any inspector to attend or remain at the polls, or of his disqualification, his place shall be filled in like manner as additional inspectors are elected. The alderman whose term of office soonest expires, shall be chairman of the board of inspectors, or in his absence, disqualification or refusal to serve, the inspectors shall elect a chairman. Such boards of inspectors shall have power to correct, at the polls, any clerical errors that may be discovered in the registration. Each inspector of election shall receive two dollars per day as compensation.

#### CONDUCT OF ELECTIONS.

SEC. 13. The inspectors and clerks of election shall take an oath, to be administered by any person authorized to administer oaths, to honestly and faithfully discharge their duties as such inspectors and clerks of election. All elections in the city shall be conducted, as near as may be, in manner provided by law for holding general elections in the townships throughout the State, except as herein otherwise provided, and the inspectors of election shall have the same powers and authority to preserve the purity of elections, maintain good order and to enforce the obedience of their lawful commands during the time of holding any election and the canvass of the votes cast thereat, as is now, or may hereafter be given to township boards of election inspectors by the general laws of this State, and shall perform the same duties as election inspectors, as township inspectors of election.

#### CANVASS AND DECLARATION OF RESULT.

SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjourning, canvass the votes received by them, at the polling places in their respective wards or voting districts, and shall declare the result, return the ballots into the ballot box and seal the same, and shall on the same day make a statement in writing, setting forth the whole number of votes cast for each office, the names of the persons for whom such votes for each office were cast, and the number of votes so given for each person, which statement shall be certified under the hands of the inspectors of election to be correct, and they shall, thereupon, deposit such statement, together with the poll list and the ballot box containing the ballots cast, in the office of the city clerk. On Wednesday next following the day of such election, the council shall meet at the office of the city clerk, and shall then and there determine who, by the greatest number of votes, given in the several wards, are duly elected to fill the respective city offices. Tie votes shall be determined by lot and it shall be the duty of the city clerk, immediately after such determination, to cause notice to be given of their election to each of the persons so elected, excepting those who are present at the time such canvass is made, and each officer so elected and notified shall, within ten

days thereafter, take and subscribe the constitutional oath of office, before any person authorized to administer oaths, and shall deliver the same to the city clerk, who shall file and preserve the same in his office.

#### ENTRY OF NEWLY ELECTED OFFICERS.

SEC. 15. All officers elected as herein provided, except justices of the peace, shall hold their respective offices until the second Monday in April following their election, and until their successors are elected and qualified. Officers appointed in elective offices, shall hold their offices for the residue of the term in which the vacancy occurred. Justices of the peace not elected to fill vacancies, shall enter upon their duties on the fourth day of July next after their election.

#### BALLOT BOXES.

SEC. 16. The council shall provide and cause to be kept by the city clerk for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

#### BALLOTS.

SEC. 17. The ballots used in any election shall be as near as may be, in conformity with the requirements of the general election laws of the State relating to such matters.

### CHAPTER V.

#### APPOINTMENT OF OFFICERS.

SECTION 1. The following officers shall be appointed by the mayor, by and with the consent of the council: A city attorney, city marshal, street commissioner, city physician and chief of the fire department. The council may also, from time to time, provide by ordinance, for the appointment of, for such term as may be provided in the ordinance, such other officers, whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act. All such appointments shall be made by the mayor, by and with the consent of the council, except the superintendent of the water works, who shall be elected by the council, and their powers and duties shall be prescribed by ordinance, but the mayor shall have no vote in the council on the question of his appointments of above named officers.

#### APPOINTMENTS, WHEN MADE.

SEC. 2. Appointments to office, except appointments to fill vacancies, shall be made on the first Monday in May in each year, but appointments, which for any cause shall not be made on that day, may be made by the mayor and confirmed at any subsequent meeting of the council.

**ENTRY OF NEWLY APPOINTED OFFICERS.**

**SEC. 3.** All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday in May next after such appointment, and until their successors are appointed and qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act, or in the ordinance creating the office.

**QUALIFICATIONS OF OFFICERS.**

**SEC. 4.** No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city, who has been or is a defaulter to the city or to any board or officers thereof, or to any school district, county or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

**OATHS OF OFFICE.**

**SEC. 5.** Justices of the peace elected in the city shall take and file an oath of office with the county clerk within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the city clerk.

**OFFICIAL BONDS.**

**SEC. 6.** Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships, except that said official bond or security may be executed in the presence of, and be approved by the mayor; and in case he shall enter upon the execution of the duties of his office before having filed his official oath and bond or security and such other bond or security to the city as may be required by law or by ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships, and every other officer elected or appointed in the city, before entering upon the duties of his office and within the time prescribed for filing his official oath, shall file with the city clerk, such bond or security as may be required by law or by any ordinance or requirement of the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

**APPROVAL OF BONDS.**

SEC. 7. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, or by the laws of this State, shall inquire into the sufficiency of the sureties, and may examine them under oath as to their property. Such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

**NEW BONDS, WHEN COUNCIL MAY REQUIRE.**

SEC. 8. The council may also, at any time, require any officer, whether elected or appointed, to execute and file with the city clerk, new official bonds in the same or in such further sums, and with new, or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

**VACANCIES—RESIGNATIONS.**

SEC. 9. Resignation of officers shall be made to the council. If any officer shall cease to be a resident of the city, or if elected in and for any ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

**VACANCIES.**

SEC. 10. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath, and give the requisite bond or security.

**VACANCIES, HOW FILLED.**

SEC. 11. In case any vacancy occurs in the office of mayor or in any other elective office, except justice of the peace and constable, as hereinafter provided, the council may fill such vacancy by appointment at any time within twenty days after such vacancy occurs, or may, within such time, call a special election for the purpose of filling such vacancy, as they may deem for the best interest of the city. Vacancies in the office of justice of the peace and constable shall be filled at the next annual election or at a special election called for that purpose. Vacancies in any appointive office shall be filled within twenty days after such vacancy occurs, by the mayor, by and with the consent of the council.

## CHAPTER VI.

### DUTIES AND COMPENSATION OF OFFICERS—DUTIES OF MAYOR.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at all meetings of the council, and shall, from time to time, give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the council are enforced. He shall countersign all orders and warrants for money drawn on the treasurer of the city.

### MAYOR, CONSERVATOR OF THE PEACE.

SEC. 2. The mayor shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

### MAYOR MAY SUSPEND OFFICERS.

SEC. 3. The mayor may suspend any officer appointed by him at any time when he shall deem it for the best interests of the city, by and with the consent of the council by a majority vote thereof. He shall at all times have authority to examine and inspect the books, records and papers of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

### MAYOR, VACANCY IN OFFICE OF.

SEC. 4. In the absence or disability of the mayor, or in case of any vacancy in his office, the president pro tempore of the council shall perform the duties of mayor during such absence, disability or vacancy.

### ALDERMEN, DUTIES.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees, when thereupon appointed by the mayor or council. They shall be conservators of the peace, and as such shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city.

**CITY CLERK.**

**SEC. 6.** The city clerk shall keep the corporate seal, and all documents, official bonds, papers, files and records of the city, not by this act or by the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city, copies of papers and records filed and kept in his office and shall receive therefor eight cents per folio, unless when made for the city, when they shall be made without charges; and all such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of a township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

**ACCOUNTANT.**

**SEC. 7.** The clerk shall be the general accountant of the city and all claims against the corporation shall be filed with him for adjustment and, after examination thereof, he shall report the same, with all accompanying vouchers and counter claims of the city, and the true balance as found by him, to the council, for allowance, and when allowed, shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and take proper receipts therefor, but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or apportioned, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

**TO KEEP ACCOUNT WITH TREASURER.**

**SEC. 8.** The clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues and over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation and all its departments, funds, resources and liabilities, with a proper classification thereof and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all

moneys received for each of the several funds of the city, and credit him with all warrants drawn thereon, keeping a separate account with each fund. When any fund has been exhausted, the clerk shall immediately advise the council thereof.

#### TO MAKE FINANCIAL REPORT.

SEC. 9. The clerk shall report to the council whenever required, a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and moneys required to meet the estimated expenses of the corporation and shall perform such other duties pertaining to his office as the council may require. He shall be clerk of the water committee and as such shall collect water rates and perform such other duties as such committee may require of him.

#### CLERK MAY APPOINT A DEPUTY.

SEC. 10. The clerk may, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the city clerk, and may exercise all the duties thereof, subject to the control of such clerk, and such deputy shall be paid for his services by the clerk, unless otherwise provided by the council. The clerk shall be responsible for all the acts and defaults of such deputy, and he may remove such deputy at his pleasure.

### TREASURER.

#### DUTIES OF.—TO HAVE CHARGE OF MONEY.

SEC. 11. The treasurer, subject to the direction of the council, shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city: Provided, That the council by a majority vote of all the aldermen elect, may designate one or more depositaries in such city in which the city treasurer shall deposit all such moneys and other property named above in his possession by virtue of his office, to be drawn therefrom only in such manner as the council shall direct, and every such depositary shall furnish a bond, as the council may require and approve, for the safe keeping and accounting of all such moneys and property thus coming into its possession. The council may at any time, by a majority vote of all the aldermen elect, change any depositary or depositaries. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof: Provided, That the treasurer shall not be liable for any neglect or default of such depositary or depositaries. The treasurer shall pay no money out of the treasury, except in pursuance of and by

authority of law and as directed by the council. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund of the corporation, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk. The treasurer may also, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the treasurer, subject to the control of the treasurer, and the treasurer and his bondsmen shall be liable for the acts and defaults of such deputy. Such deputy shall be paid for his services by the treasurer, unless otherwise provided by the council, and such deputy may be removed at the will of the treasurer. The city treasurer shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe, and as provided by this act.

#### TO MAKE REPORTS.

SEC. 12. The treasurer shall render to the council at their first regular meeting of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month and the amount of money remaining in each fund on the day of his report, and the council may at any time, when they shall deem it advisable, cause such report to be verified by a personal examination of the books, warrants, vouchers and city moneys in the possession of the treasurer. He shall also exhibit to the council annually on the first Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of the last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balance remaining in each fund; which account shall be filed in the office of the city clerk and shall be published in one or more newspapers of the city.

#### TO TAKE RECEIPT OR VOUCHER.

SEC. 13. The said treasurer shall take receipt and voucher for all moneys paid from the treasury, showing the amount and fund from which payment was made, and he shall exhibit to the council such receipts and vouchers on the first Monday of March in each year, or as often as the council shall require, as provided in the preceding section.

**TO COLLECT PUBLIC SCHOOL MONEYS. BOND.**

SEC. 14. The city treasurer shall collect all school taxes in said city levied for school, library and schoolhouse purposes, and shall receive from the county treasurer all school, library and fine moneys in his hands belonging to the city, and shall deliver the same to such person or persons as the board of education of the city of Hastings shall direct. Before entering upon the duties of his office, and within ten days after his election, the city treasurer shall give bond to the city of Hastings and deliver the same to the clerk, in the penal sum of not less than forty thousand dollars and such additional sum as the council may require, with not less than three sureties to be approved by the council, conditioned for the faithful performance of his duties, and accounting for the proper payment of all moneys belonging to the city or the board of education and coming into his hands by virtue of his office, and he shall renew such bond from time to time as the council may require.

**TO KEEP MONEY SEPARATE.**

SEC. 15. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody and keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

**MARSHAL.****TO BE CHIEF OF POLICE.**

SEC. 16. The marshal shall be the chief of the police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced. As peace officer, he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him under the ordinances of the city, and such process may be served anywhere within the State.

**TO SUPPRESS RIOTS, ETC.**

SEC. 17. He shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. It shall

be his duty to arrest all disorderly persons in the corporation. He shall arrest upon view, and with or without process, any person found in the act of committing an offense against the laws of the State or the ordinances of the city amounting to a breach of the peace, and forthwith take such person before the proper magistrate or court for examination or trial, and may also, without process, arrest and imprison persons found drunk in the streets.

#### TO REPORT TO COUNCIL. FEES.

SEC. 18. The marshal shall report in writing and on oath to the council at their first meeting in each month, all arrests made by him, and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fines and fees collected by him. All moneys collected or received by him, either as fines or fees, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk. The marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or be paid by the city.

#### CITY ATTORNEY.

SEC. 19. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council, and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute all offenses against the ordinances of the city. He shall be a member of the board of review.

#### STREET COMMISSIONER.

SEC. 20. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

#### TO MAKE MONTHLY REPORTS.

SEC. 21. The street commissioner shall make a report to the council in writing, and on oath, if requested to do so, at each regular meeting of the council, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material

was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath, as aforesaid: Provided, That nothing in this act shall prevent the council from bestowing the powers and duties of street commissioner upon the marshal when it shall be deemed advisable.

#### POWERS AND DUTIES OF CONSTABLES.

SEC. 22. The constables of the city shall have the like powers and authority in matters civil and criminal, and in relation to the service of all manner of civil and criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of ordinances of the city.

#### CONSTABLES TO OBEY ORDERS OF MAYOR, ETC.

SEC. 23. The constables of the city shall obey all lawful orders of the mayor, aldermen and any justice of the peace exercising jurisdiction in causes for breaches of the peace or the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any such duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give bonds for the faithful performance of the duties of his office, as may be required and approved by the council, and shall file the same with the city clerk.

#### POWERS AND DUTIES OF SUPERVISORS.

SEC. 24. The supervisors of the several supervisor districts are authorized to perform the same duties in relation to the assessment of property and levying taxes for all purposes in their respective supervisor districts, as are imposed by law upon supervisors elected in townships; and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their supervisor districts; they shall represent their supervisor districts in the board of supervisors of the county in which the city is located, and shall have all rights, privileges and powers of the several members of such board of supervisors.

#### JURORS, HOW SELECTED.

SEC. 25. The supervisor and the aldermen of the several wards shall select and return lists of grand and petit jurors

to the clerk of the county in the same manner and within the same time as the like duty is required to be performed by township officers.

### JUSTICES OF THE PEACE.

#### JURISDICTION AND POWERS OF.

SEC. 26. Justices of the peace elected in the city under the provisions of this act shall have, and exercise therein and within the county, the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in this act.

#### PROCEEDINGS BEFORE JUSTICES.

SEC. 27. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to and be governed by the general laws applicable to justice courts and to the proceedings before such courts.

#### DOCKETS.

SEC. 28. Every justice of the peace shall enter in the docket kept by him the title of all proceedings, suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every such cause and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all reasonable times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

#### FINES COLLECTED BY JUSTICES.

SEC. 29. All fines, penalties and forfeitures collected or received by any justice of the peace for, or on account of violations of the penal laws of the State, and all fines, penalties and forfeitures and moneys collected or received by such justice, for or on account of violations of any ordinances of the city,

shall be paid over by such justice to the city treasurer on or before the first day of the month next after the collection or receipt thereof; and the justice shall take receipt of the city treasurer therefor and file the same with the city clerk.

**JUSTICE TO REPORT NAMES OF PERSONS FINED.**

**SEC. 30.** Every such justice shall report, on oath, to the treasurer, at the time of making the payments provided for in the preceding section, the name of every person against whom a prosecution has been commenced, or judgment rendered, for any of the fines, penalties or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution.

**DISPOSITION OF FINES.**

**SEC. 31.** All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county in which the city is located.

**BOND OF JUSTICES.**

**SEC. 32.** Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in penalty of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

**PENALTY FOR MISCONDUCT.**

**SEC. 33.** Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act, or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly.

**ADDITIONAL POWERS OF OFFICERS.**

**SEC. 34.** In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

**COMPENSATION OF OFFICERS.**

SEC. 35. The mayor and aldermen shall each receive a salary of fifty dollars per year. The city marshal, clerk, treasurer, city attorney and chief of the fire department shall each receive such annual salary as the council shall determine by ordinance or resolution. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them, shall be two dollars per day for the time actually employed. Justices of the peace, constables and officers serving process and making arrests, "may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city, shall, except as herein otherwise provided, receive such compensation as the council shall determine: Provided, however, That the provision herein fixing the salary of the mayor and aldermen at fifty dollars per annum shall not become operative until a majority of the electors voting thereon shall so decide. The council shall make provision for submitting said proposition to the electors of the city by preparing ballots containing the words, "Salary for Mayor and Aldermen, Yes [ ]" and "Salary for Mayor and Aldermen, No [ ]," and if a majority of the electors voting thereon shall decide in favor of said proposition, then and in that case section thirty-five shall become operative in whole; but if a majority of said electors voting thereon do not vote in favor of said proposition, then and in that case, so much of section thirty-five as relates to the salary of mayor and aldermen shall become inoperative.

**SALARY NOT TO BE INCREASED OR DIMINISHED.**

SEC. 36. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office, shall be eligible to the same office during the term for which he was elected or appointed when during the same time the salary or rate of compensation has been increased.

**CHAPTER VII.****THE CITY COUNCIL, OF WHOM TO CONSIST.**

SECTION 1. The legislative authority of the city re-incorporated under this act shall be vested in a council consisting of the mayor, two aldermen elected from each ward and the city clerk.

**PRESIDENT OF.**

**SEC. 2.** The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote. At the first regular meeting of the council after the first Monday in April in each year, the council shall appoint one of their number president pro tempore of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. Such president pro tempore, shall, in the absence of the mayor, or in case of his inability to act, perform all the duties of the mayor. He shall have a vote upon all questions, but shall have no casting vote in case of a tie. In the absence of the president and president pro tem. the council shall appoint one of their number to preside, and for the time being he shall exercise the powers and duties of the president.

**CLERK OF.**

**SEC. 3.** The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office, as the council may direct. In the absence of the clerk or his deputy, the council shall appoint one of their number to perform the duties of clerk for the time being.

**WHEN ALDERMEN SHALL NOT VOTE.**

**SEC. 4.** Each alderman shall be required to attend all sessions of the council, and serve upon committees when appointed thereon. No alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote unless excused therefrom by a vote of two-thirds of the aldermen elect.

**MEETINGS OF COUNCIL.**

**SEC. 5.** The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, not less than two of which shall be held in each month. The mayor or any three members of the council may call special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence at least six hours before the meeting, and which notice shall state the object of the meeting.

**MEETINGS TO BE PUBLIC. QUORUM. TWO-THIRDS.**

**SEC. 6.** All meetings and sessions of the council shall be public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and all pending questions or business and busi-

ness noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting without further notice, and the members present may compel the attendance of absent members in such manner as shall be prescribed by rules or ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or private property be taken for public use, unless by a concurring yea and nay vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted, except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

#### RULES,—YEAS AND NAYS.

SEC. 7. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays when required by one or more members, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative, and all proceedings and votes taken thereat may be published in one of the newspapers of the city.

#### FINES FOR NON-ATTENDANCE; DISORDERLY CONDUCT.

SEC. 8. The council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines for non-attendance, as may by ordinance or rules be prescribed; and may by ordinance or resolution prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

#### CERTAIN OFFICERS TO ATTEND COUNCIL MEETINGS.

SEC. 9. The city attorney, marshal, street commissioner and chief of the fire department, may take part in all proceedings and deliberations of the council on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

#### COUNCIL TO CONTROL FINANCES AND PROPERTY.

SEC. 10. The council shall have control of the finances and of all property of the city corporation, except as may be otherwise provided by law.

**COUNCIL TO ENACT ORDINANCES.**

**SEC. 11.** Whenever by this act or any other provision of law any power or authority is vested in, or duly imposed upon the corporation or council, the council may enact such ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

**STANDING COMMITTEES OF COUNCIL.**

**SEC. 12.** The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

**RECORDS, ETC., WHERE FILED.**

**SEC. 13.** The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by this act to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept, as to be convenient of access and inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure or deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of the same from being known, shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

**COMPENSATION OF COUNCILMEN.**

**SEC. 14.** No member of the council shall receive any compensation for his services, either as alderman, committeeman or otherwise, except as herein otherwise provided.

**COUNCILMEN NOT TO BE INTERESTED IN ANY CONTRACT.**

**SEC. 15.** No member of the council or any officer of the corporation shall be interested, directly or indirectly, in the profits of any contract, job, work or service (other than official services and day labor), to be performed for the corporation, and any member of the council, or officer of the city, herein specified, offending against the provisions of this section, shall upon conviction thereof, be fined not less than five hundred

dollars nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

#### REMOVAL OF OFFICERS.

SEC. 16. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect. In case of elective officers other than justices of the peace, provision shall be made, by ordinance, for preferring charges against such officers and trying the same; and no removal of an elective officer shall be made, except by a two-thirds vote of all the aldermen elect and unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

#### PROCEEDINGS IN INVESTIGATING CHARGES.

SEC. 17. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city, is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the council, or any committee thereof.

#### WITNESSES; POWERS TO SUMMON.

SEC. 18. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or the chairman of such committee for the time being, shall have power to administer the necessary oaths.

#### ACCOUNTS AND CLAIMS AGAINST THE CITY.

SEC. 19. The council shall audit and allow all claims against the city, but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged for have been actually performed or the property delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no off-set exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim, and every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city for personal injuries or otherwise, that it has never been presented, certified to or verified, as aforesaid, to the council for allow-

ance; or if such claim is founded on contract that the same was presented without the affidavit or certificate, as aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

## CHAPTER VIII.

### STYLE OF ORDINANCES.

**SECTION 1.** The style of all ordinances shall be, "The City of Hastings Ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

### LIMIT OF PENALTY AND IMPRISONMENT.

**SEC. 2.** When, by the provisions of this act, the council has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding five hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months or both in the discretion of the court, together with the costs of prosecution for each violation of any of said ordinances; and may provide that the offender, on failure to pay any such fine, penalty or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the county within which the city is located, or in such other prison or place of confinement in the State as provided by law. Such fine, penalty, forfeiture and imprisonment, for the violation of any ordinance, shall be prescribed therein.

### VETO POWER OF MAYOR.

**SEC. 3.** No ordinance or resolution passed by the council shall have any force or effect, if, on the day of its passage, or on the next day thereafter, the mayor, or other officer or person legally discharging the duties of mayor, shall lodge in the office of the clerk a notice, in writing, suspending the immediate operation of such ordinance or resolution. If the mayor or other officer or person legally exercising the office of mayor, shall, within three days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reasons in writing, why the same should not go into effect, the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a two-thirds vote of all the aldermen elect, exclusive of the mayor or other officer or person legally exercis-

ing the duties of the office of mayor, and if so repassed shall go into effect according to the terms thereof. If such reasons shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the council shall go into operation until after the expiration of twenty-four hours after its passage, unless the said mayor, or acting mayor shall approve the same in writing.

#### ORDINANCES, RECORD, REPEAL, ETC.

SEC. 4. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of an ordinance is amended, the whole section, as amended, shall be re-enacted. All ordinances, when approved by the mayor or when regularly enacted, shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

#### PUBLICATION OF ORDINANCES.

SEC. 5. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the clerk shall immediately after such publication enter upon the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

#### JUDICIAL NOTICE OF ORDINANCES AND HOW TAKEN.

SEC. 6. In all courts having authority to hear, try and determine any matter or cause arising under the ordinances of the city, and in all proceedings in the city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings: First, from a copy record thereof kept by the city clerk; second, from a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; third, from any volume of ordinances purporting to have been written or printed by authority of the council.

## CHAPTER IX.

### ENFORCEMENT OF ORDINANCES.

#### *Prosecutions; When to be Brought.*

SECTION 1. Prosecutions for violations of the ordinances of a city re-incorporated under this act, shall be commenced within two years after the commission of the offense, and shall be brought within the city.

#### PENALTY; ACTION IN DEBT FOR, WHEN.

. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender, upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of property, it may be sued for and recovered in an action of trespass, or other appropriate action. Whenever a corporation shall incur a penalty or forfeiture for the violation of an ordinance, the same shall be sued for in one of the actions said.

#### HOW ACTION BROUGHT.

. 3. Such action shall be brought in the name of the city and shall be commenced by summons. The form, time, return, and service thereof, the pleadings, and all the proceedings in the cause shall, except as otherwise provided herein, be uniform to and be the same, as nearly as may be, as in like cases provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, the defendant be committed to prison, there to remain during a period not exceeding ninety days, unless such execution be paid, or he be discharged by due course of law; but commitment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

#### PROCEEDINGS UNDER WARRANT.

. 4. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, as issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused

during the pending of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and in the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

#### JUDGMENT; PUNISHMENT, COSTS.

SEC. 4. If the accused shall be convicted the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

#### EXECUTION OF JUDGMENT.

SEC. 5. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section two of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment without payment operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

#### USE OF THE COUNTY JAIL.

SEC. 6. The city shall be allowed the use of the county jail for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by law, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

#### PROCESS; WHO DIRECTED TO.

SEC. 7. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be di-

rected to the city marshal, or to any constable of the city, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

#### ORDINANCES; HOW PLEADED.

SEC. 8. It shall not be necessary in any suit, proceeding or prosecution, for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. It shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the council and of the authority of the city to enact the same.

#### RIGHT TO TRIAL BY JURY.

SEC. 9. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons; and in suit commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil cases triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with all the inhabitants of the city in the result of the suit.

#### RIGHT OF APPEAL.

SEC. 10. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Barry, by appeal or writ of certiorari; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by certiorari, into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond

or security shall be given as in cases of appeal and certiorari in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security therein. The circuit court when such cause shall be appealed thereto or removed thereto by certiorari, shall also take judicial notice of the ordinances of the city, and the resolution of the council, and of the provisions thereof.

#### FINES; WHERE PAID.

SEC. 11. All fines imposed for violation of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

#### PENALTY FOR NEGLECT TO PAY OVER FINES.

SEC. 12. If any person who shall have received any such fine or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor in the name of the city and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

#### DISPOSITION OF FINES.

SEC. 13. Fines paid to the city treasurer for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

#### JURISDICTION OF CIRCUIT COURT.

SEC. 14. The circuit court of Barry county shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding three

months. The proceedings in the circuit court in all such cases, shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties shall apply.

#### JURISDICTION OF JUSTICE OF THE PEACE.

SEC. 15. The justices of the peace of the city shall have jurisdiction in all cases mentioned in the preceding section, when the fine or forfeiture imposed shall not exceed one hundred dollars, or when the offender may be imprisoned for a term not exceeding three months.

#### SECURITY FOR COSTS.

SEC. 16. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. But he shall not be liable for the payment of the costs if the magistrate before whom the complaint is made, or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

### CHAPTER X.

#### GENERAL POWERS OF THE CITY.—COUNCIL MAY PASS ORDINANCES.

SECTION 1. The city of Hastings shall, in addition to the other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely:

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish the same; to prevent and quell riots; to preserve peace and good order and to protect the property of the corporation, and of the inhabitants, and of any association, public or private association, corporation or congregation therein, and to punish for injuries thereto, or for unlawful interreference therewith;

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or

Vice, disturbance.

Disorderly persons.

Nuisances, etc.

neglecting or refusing to abate, discontinue or remove the same;

**Disorderly houses.** Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses and all places where persons resort for gaming or to play at games of chance and to punish the keepers thereof;

**Billiards.** Fifth, To regulate or license the use of billiard tables, nine or ten-pin alleys or tables, and ball alleys;

**Gambling.** Sixth, To prohibit and suppress every species of gambling, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

**Liquors.** Seventh, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing;

**Exhibitions.** Eighth, To regulate, restrain or prohibit all sports, exhibition of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted;

**Sabbath.** Ninth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day;

**Auctions, sales, etc.** Tenth, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live stock or other domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in cases of sales required by law to be made at auction or public vendue;

**Peddlers, etc.** Eleventh, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments of any kind of property or thing by persons going from house to house in the city for that purpose, or from any stand, cart, vehicle, or other device, in or upon the streets, highways, alleys, sidewalks, or in or upon open places or spaces, public grounds or buildings in the city;

**Restaurants, etc.** Twelfth, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating houses, and to regulate and prescribe the location of saloons; but this shall not be construed as authorizing the licensing of the sale of intoxicating liquors;

**Vehicles, stands, etc.** Thirteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire, in the city, and regulate or fix stands on the streets and

public places, and at railroad station grounds and other places;

Fourteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions; <sup>Inspection of provisions.</sup>

Fifteenth, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise; <sup>Of coal, lumber, etc.</sup>

Sixteenth, To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures by venders; <sup>Weights and measures.</sup>

Seventeenth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters; <sup>Hydrants, gutters.</sup>

Eighteenth, To prohibit and prevent, in the streets or elsewhere in the city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent and obscene exhibitions and shows of every kind; <sup>Indecency.</sup>

Nineteenth, To regulate and prohibit bathing in the river, ponds, streams and waters of the city; <sup>Bathing.</sup>

Twentieth, To provide for the clearing the river, pond, canals and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive; <sup>Filth, etc., in streams.</sup>

Twenty-first, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candy factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer or other offensive, nauseous, or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city; <sup>Unwholesome places.</sup>

Twenty-second, To regulate the keeping, selling and using of dynamite, gunpowder, firecrackers and fireworks, and other explosive or combustible materials, and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city; <sup>Explosives, etc.</sup>

Twenty-third, To direct and regulate the construction of private drains, cellars, slips, barns, private drains, sinks and privies; <sup>Private drains.</sup>

Twenty-fourth, To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the management or practice thereof; <sup>Mock auctions.</sup>

Twenty-fifth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing or managing the same; <sup>Lotteries.</sup>

Twenty-sixth, To license and regulate solicitors for passengers or for baggage to and from any hotel, tavern, public house or railroad; and to provide the places where they may be ad- <sup>License bucks, etc., provide stands.</sup>

mitted to solicit or receive patronage; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

**Paupers.** Twenty-seventh, To provide for the protection and care of paupers and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon the city, and to punish therefor;

**Census.** Twenty-eighth, To provide for the taking of the census of the inhabitants of the city, whenever the council shall see fit, and to direct and regulate the same;

**License, etc., of dogs.** Twenty-ninth, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city;

**Toy pistols.** Thirtieth, To prohibit and punish the use of toy pistols, sling shots, and other dangerous toys or implements within the city;

**Hitching of animals.** Thirty-first, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes, or alleys in the city to be securely fastened, hitched, watched, or held; and to regulate the placing and provide for the preservation of hitching posts;

**Numbering of buildings.** Thirty-second, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;

**Fountains, watering troughs.** Thirty-third, To provide for, establish, regulate and preserve public fountains and reservoirs within the city, and such troughs and basins for watering animals as they may deem proper;

**Street railways.** Thirty-fourth, To prevent or provide for the construction and operation of street railways and to regulate the same and to determine and designate the route and grade of any street railway to be laid or constructed in said city;

**Public library.** Thirty-fifth, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good;

**Transient traders.** Thirty-sixth, The council may also license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the

same business, shall not be required to take out a second license after the commencement of the next fiscal year: Pro ~~Proviso.~~  
ided, Such goods or merchandise have been assessed for taxes  
or said fiscal year;

Thirty-seventh, The council shall further have authority to ~~make~~ <sup>Further authority.</sup> enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants hereof; but no exclusive rights, privileges or permits shall be ~~granted~~ <sup>Exclusive rights.</sup> granted by the council to any person or persons, or to any corporation for any purpose whatever.

#### COUNCIL MAY GRANT LICENSES.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted and may exact and require payment of such reasonable sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation, when required by the council, in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for the faithful observance of the charter of the city and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such license.

#### TERM OF LICENSES.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

#### DISPOSITION OF LICENSE FEES.

SEC. 4. All sums received for licenses granted for any purpose by the city or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

#### RAILROADS IN STREETS.

SEC. 5. The council shall have authority to permit any railroad company, or street railway company to lay its tracks, and operate its road with steam, electric or other power, in or across the streets, highways and public places of the city,

as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: Provided, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company or corporation, except by a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years.

#### STREET GRADES AND CROSSINGS.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company or street railway company to raise or lower their railroad track, to conform to the street grades which may be established by the city from time to time; and to construct street crossings in such manner, and with such protection to persons crossing thereat, as the council may require, and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railway cars within the city; but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five nor more than fifty dollars, upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

#### DRAINS, ETC., ALONG AND UNDER RAILROADS.

SEC. 7. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the amount.

**PARTITION FENCES.**

SEC. 8. The council is authorized to enact all such ordinances and by-laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures and parcels of land in the city; and relative to the assigning to the owners or occupants of such adjoining lots or pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relative to partition fences in the city.

**SUPPORT OF POOR.**

SEC. 9. The council may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with power and such authority as may be proper for the exercise of his duties.

**CHAPTER XI.****POLICE.—POLICE FORCE.**

SECTION 1. The council may provide by ordinance for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and nightwatchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require.

**TEMPORARY POLICE.**

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectively preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from

unlawful depredation. The mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

MARSHAL; CHIEF OF POLICE.

SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the supervision and superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

POWERS; AND DUTIES OF.

SEC 4. It shall be the duty of the police and night-watchmen and officers of the force under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, and laws of the State, to suppress all riots, disturbances and breaches of the peace, and to pursue and arrest any person fleeing from justice in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State or the ordinances of the city, involving a breach of the peace, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare, as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes, the chief of police, and every policeman and night-watchman, shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city involving a breach of the peace, or of committing any crime against the laws of the State. The chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, may be served by a constable.

FEES AND COMPENSATION OF.

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed to constables for like services. When otherwise engaged in the performance of police duty, they shall receive such compensation.

tion therefor from the city as the council may prescribe. Every policeman shall report on oath to the council at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each. Provided no such report need be made in civil cases wherein the city is not a party.

#### SUSPENSION OF.

SEC. 6. The mayor may suspend or remove any policeman or night-watchman for neglect of duty, misconduct or other sufficient cause, as provided for in chapter six, section three, of this act.

### CHAPTER XII.

#### CITY PRISON.—COUNCIL MAY PROVIDE FOR PRISON.

SECTION 1. The council shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

#### PERSONS CONFINED AT HARD LABOR.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

### CHAPTER XIII.

#### PUBLIC HEALTH.—ORDINANCE TO PROTECT PUBLIC HEALTH.

SECTION 1. The council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof; and for the removal of the persons having such diseases, or who, from exposure thereto or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city limits as the council may prescribe, or the public safety may require.

**ORDINANCES TO ABATE NUISANCES.**

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation or company, causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

**CELLARS, VAULTS AND FILTHY PLACES.**

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended or purified; or may require the owner or occupant or person in charge of such lot, premises or place, to perform such duty, and may require the owner or occupant of any building, fence or structure, which may be dangerous or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

**RECOVERY OF EXPENSES, ETC.**

SEC. 4. If any person, corporation or company, shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation or company. And in all cases where the city shall incur any expenses for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof, as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

**LOCATION OF OFFENSIVE TRADES.**

SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within

the city, for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

#### HOSPITALS; PROVISIONS FOR.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, pest houses or quarantine buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants or employees, for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health, persons having any malignant, infectious or contagious disease, or who have been exposed to such disease, may be removed to such hospital, pest house or quarantine buildings, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital, pest house or quarantine buildings until duly discharged.

#### POWERS OF BOARD OF HEALTH.

SEC. 7. The board of health herein provided for shall have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the Compiled Laws of eighteen hundred seventy-one, and all amendments thereto, being chapter thirty-nine of Howell's annotated statutes of the State of Michigan, so far as the same are applicable and consistent with this act; and the council may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

#### BOARD OF HEALTH; WHO TO BE.

SEC. 8. The mayor, city clerk and city physician shall constitute a board of health in and for the city of Hastings, and the council may provide rules for its government, and invest it with power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the Compiled Laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the

violation of any lawful order, rule or regulation made by the board of health, or any officer thereof.

#### CEMETERIES.

SEC. 9. The council shall have power to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof, and the appurtenances thereto.

### CHAPTER XIV.

#### PUBLIC POUNDS.—CITY MAY OWN POUNDS.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint poundmasters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large contrary to any ordinance of the city; and if there shall be no pound or poundmaster, they may provide for the impounding of such beasts and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of poundmaster.

#### FEES FOR IMPOUNDING.

SEC. 2. The council may also prescribe the fees for impounding and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts or fowls impounded; and may authorize the sale of such beasts and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

### CHAPTER XV.

#### CITY MARKETS.—REGULATION OF.

SECTION 1. The council shall have power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the time for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets, and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other unwholesome provisions exposed for sale therein.

## CHAPTER XVI.

### PUBLIC BUILDINGS, GROUNDS AND PARKS.—CITY MAY ACQUIRE BUILDINGS, LANDS, ETC.

SECTION 1. The city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary and convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased and disposed of as occasion may require.

#### BUILDINGS BEYOND CITY LIMITS.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses and other necessary public uses, may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce, beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for management and control of the persons kept or confined in such prison, work-houses or hospitals.

#### TO VACATE AND PROTECT PARKS.

SEC. 3. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachments and injury, and from all nuisances.

## CHAPTER XVII.

### SEWERS, DRAINS AND WATER COURSES.—CONSTRUCTION OF.

SECTION 1. The council may establish, construct and maintain whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property or the use thereof, may be taken therefor in the manner prescribed in this act for taking such private property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

### COMMITTEE ON SEWERS TO HAVE CONTROL.

SEC. 2. The committee on sewers shall have the management, supervision and control of the sewers, sewerage system and drainage of the city, and the charge of their construction, subject to the general direction and approval of the council as herein provided, and the council may by ordinance prescribe the powers and duties of said committee relating to all matters connected with sewers, sewerage system and drainage of the city.

### COUNCIL TO INSTRUCT THE COMMITTEES.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city or for any part thereof, it shall be their duty to instruct and direct the committee on sewers to devise, or cause a plan of such sewerage or drainage to be devised for the whole city, or for such part thereof as they shall determine.

### PLAN TO BE FORMED.

SEC. 4. Such plan shall, in the discretion of the committee on sewers, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered or named and so arranged as to be as nearly independent of each other as may be. Plats and diagrams of such plan, when completed, shall be submitted to the council, and when adopted by the council shall be filed in the office of the city clerk.

### MAIN SEWER DISTRICTS MAY BE DIVIDED.

SEC. 5. Main sewer districts may be divided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the commit-

**CONNECTION OF PRIVATE WITH PUBLIC SEWER.**

**SEC. 13.** The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains or sewers, with the public drains and sewers, under such rules and regulations as the council shall prescribe.

**EXPENSES OF IMPROVEMENTS; HOW PAID.**

**SEC. 14.** Such part of the expense of providing ditches and improving water courses, as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

**EXPENSES OF REPAIRING; HOW PAID.**

**SEC. 15.** The expense of repairing public sewers, ditches and water courses may be paid from the general contingent or sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein provided for paying the expenses of the construction thereof.

**PROTECTION OF SEWERS.**

**SEC. 16.** The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

**CHAPTER XVIII.****STREETS AND PUBLIC GROUNDS. COUNCIL TO HAVE CONTROL OF.**

**SECTION 1.** The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance. The city shall not be liable in damages sustained by any person in the city either to his person or property by reason of any defective street, sidewalk, crosswalk, or public highway, or by reason of any obstruction, ice, snow or other incumbrance upon such street, sidewalk, crosswalk or public highway, situated in the city unless such person shall serve, or cause to be served, within sixty days after such injury shall have occurred, a notice in writing upon the clerk or the deputy clerk of such city, which notice shall set forth substantially the time when and the place where such injury took place, the manner in which it took place or occurred, and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. The city shall

meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

**COUNCIL TO DETERMINE BY RESOLUTION.**

SEC. 9. When the council shall determine to construct any such sewer, they shall so declare by resolution designating the district and describing by reference to the plat and diagram thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general contingent or sewer fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram, as adopted, to be recorded in the office of the city clerk, in a book of sewer records.

**SUPERVISOR TO MAKE SPECIAL ASSESSMENT.**

SEC. 10. Special assessments for the construction of sewers shall be made by the supervisor in whose assessing district the sewer district shall be, in the manner provided in this act for making special assessments.

**OWNERS OF A MAJORITY OF LAND MAY PETITION.**

SEC. 11. When the owner or owners of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands included in the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

**COUNCIL MAY CONSTRUCT PRIVATE DRAINS, ETC.**

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners or occupants of lots and premises to construct private drains or sewers therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains or sewers in repair and free from obstruction and nuisance; and if such private drains or sewers are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of the owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner herein-after provided for the levying and collecting of special assessments.

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tion or ordinance discontinuing or vacating any street, alley or public ground, shall also be recorded in said book of street records, and the record shall be *prima facie* evidence of all matters therein set forth.

**GRADES; HOW ESTABLISHED.**

SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such street, alley or public grounds to be made and constructed in conformity with such grade and upon such line as shall be prescribed by the council; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

**EXPENSE OF GRADING, ETC.; HOW PAID.**

SEC. 6. Whenever any street, alley or public ground or highway shall have been graded or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

**WHEN GRADES ONCE ESTABLISHED.**

SEC. 7. Whenever the grades of any street or sidewalk shall have been heretofore, or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided in chapter twenty-one of this act, or said damages may be ascertained and agreed upon by and between the city and the owner or occupant of such premises. Whenever such damages shall be ascertained or agreed upon as heretofore provided, such damages, or such part thereof as the council shall deem equitable and just, shall be paid by the city, or the council may cause such damages, or such part thereof as may be just and equitable, to be assessed upon the real estate which may be benefited by reason of the change of such grade, and whenever the council shall determine to assess such as damages, or any part

not be responsible for the care, improvement or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked and used by the public as a street or alley before the re-incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such re-incorporation, unless the council by an ordinance or resolution specially passed for that purpose.

#### OPENING, EXTENDING AND IMPROVING.

SEC. 2. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessment as aforesaid, and the balance from the general street fund.

#### PROCEDURE TO DISCONTINUE OR VACATE.

SEC. 3. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting with a copy of such resolution shall be published for not less than two weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

#### BOOK OF STREET RECORDS.

SEC. 4. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by the council, to be recorded in like manner; and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolu-

tion or ordinance discontinuing or vacating any street, alley or public ground, shall also be recorded in said book of street records, and the record shall be prima facie evidence of all matters therein set forth.

**GRADES; HOW ESTABLISHED.**

SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such street, alley or public grounds to be made and constructed in conformity with such grade and upon such line as shall be prescribed by the council; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

**EXPENSE OF GRADING, ETC.; HOW PAID.**

SEC. 6. Whenever any street, alley or public ground or highway shall have been graded or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

**WHEN GRADES ONCE ESTABLISHED.**

SEC. 7. Whenever the grades of any street or sidewalk shall have been heretofore, or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided in chapter twenty-one of this act, or said damages may be ascertained and agreed upon by and between the city and the owner or occupant of such premises. Whenever such damages shall be ascertained or agreed upon as heretofore provided, such damages, or such part thereof as the council shall deem equitable and just, shall be paid by the city, or the council may cause such damages, or such part thereof as may be just and equitable, to be assessed upon the real estate which may be benefited by reason of the change of such grade, and whenever the council shall determine to assess such as damages, or any part

thereof, upon the property benefited, it shall determine and define a district in the city which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit each lot, parcel or subdivision is deemed to acquire by the improvement out of which such damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited in the grading and improvement of streets, as provided for in this act; and all of the provisions of chapter twenty of this act, relative to special assessments and the collection thereof, shall apply thereto. Such damages when collected as aforesaid, and when determined upon by said city, shall be paid to the person entitled thereto.

#### PAVING AND IMPROVEMENTS.

SEC. 8. The council shall have power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts. The term "paving" shall be deemed to include the construction of cross-walks, gutters and curbing. Whenever any paving has been ordered upon any street or public highway in the city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, before the same shall be paved, to put in and lay all such sewer, water and gas connections in front of their lands and premises, and carry the same from the pipe in such street to and beyond the curb line of such proposed pavement, as the council shall determine to be necessary for the preservation of such proposed paving, when the same shall be laid and put down, and such connection shall be laid, made and put in in the manner at the time or times as shall be directed by the council. In case the owner of such lot or lots, lands or premises shall neglect or refuse to make, lay or put in such connections at the time or in the manner prescribed by the council, then the council shall cause the same to be made, laid or put in, and the respective owners of such lots, lands or premises shall be liable for the cost thereof, together with ten per cent in addition thereto as a penalty to be recovered by the city in an action of debt or assumpsit, or the costs together with the amount of such penalty for which such persons shall be respectively responsible and liable, the council shall cause to be reported to the supervisors, to be levied and assessed by them as a special tax or assessment upon such lot or lots, lands or premises, in the manner provided for in section four, chapter nineteen of

this act, in case of special assessment for rebuilding and keeping in repair sidewalks in the city.

**EXPENSES; HOW PAID.**

**SEC. 9.** Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expenses of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

**PUBLIC BUILDINGS OR GROUNDS INCLUDED. EXPENSES; HOW PAID.**

**SEC. 10.** When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council would be justly apportionable to such city property and to any interior squares or spaces formed by the intersection of streets, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall determine to be just and the balance of such expenses shall be assessed upon the lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated resulting benefits thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council may assess such lot for such number of feet frontage as in their opinion will be just.

**OBSTRUCTIONS IN STREET.**

**SEC. 11.** The council shall have the power to prohibit and prevent obstructions and encumbrances in, and encroachments upon the public highways, streets and alleys of the city, and to remove the same, and to punish those who shall obstruct, encumber, encroach or maintain any encroachment, upon or in any such highways, street or alley; and to require all such persons to remove every such obstruction, encumbrance and encroachment.

**SHADE TREES.**

SEC. 12. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the public places and streets, and regulate the setting of lamp posts therein, and protect the same.

**REMOVAL OF SOIL FROM STREETS.**

SEC. 13. The council may regulate the making of all openings in, and removals of, the soil of public streets, and for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings, and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

**COUNCIL TO REGULATE USE OF STREETS.**

SEC. 14. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements and banners, awning posts and telegraph, telephone or light poles and wires in or over the streets; to prohibit immoderate riding or driving in the streets or over the bridges; to regulate or prohibit all such sports, amusements, proceedings and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general welfare. And in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city, as are conferred by law upon highway commissioners in townships.

ment, for water-works, for lighting purposes, hospitals,antine grounds or pest houses, market houses and spaces,teries and parks, watch-houses, city prisons and work-es, shall be paid from the proper general funds of the

When by the provisions of this act the cost and ex-  
es of any local or public improvement may be defrayed in  
e or in part by special assessment upon lands abutting  
and adjacent to or otherwise benefited by the improve-  
, such assessment may be made as in this chapter pro-  
l.

#### ASSESSMENTS; WHO TO MAKE.

c. 2. Special assessments authorized by this act shall be  
by the supervisor in whose assessing district or super-  
district the special assessing district may be. If the  
visor, whose duty it is to make such special assessment,  
be interested in such special assessment as directed by  
ouncil, they shall appoint some other person to act in the  
l of such supervisor who shall make such assessment.

#### DUTY OF COUNCIL.

c. 3. When the owners of a majority of the lands liable  
assessed in any special assessment district, or part of  
ity which may be constituted a special assessment dis-  
shall petition the council for any public improvement  
t sewers, the council shall order such improvement to  
ade. In other cases public improvements shall be made  
e discretion of the council. When the council shall de-  
ine to make any public improvement or repairs, and de-  
the whole or any part of the cost and expenses thereof  
pecial assessment, they shall so declare by resolution,  
g the improvement and what part or proportion of the  
oses thereof shall be paid by special assessment, and  
part, if any, shall be apportioned from the general funds  
e city, or from the street district funds, and shall desig-  
the district or lands and premises upon which the special  
ment shall be levied.

#### NOTICE OF PUBLIC IMPROVEMENT.

c. 4. Before ordering any public improvement or repairs,  
part of the expenses of which is to be defrayed by special  
sment, the council shall cause estimates of the expense  
of to be made, and also plats and diagrams, when prac-  
le, of the work and of the locality to be improved, and  
it the same with the city clerk for public examination;  
they shall give notice thereof and of the proposed im-  
vement or work, and of the district to be assessed, by pub-  
on for two weeks in one of the newspapers of the city,  
f the time when the council will meet and consider any  
tions thereto. Unless a majority of the persons to be  
sed shall petition therefor, no such improvement or

**IN CASE OWNER REFUSES TO BUILD, ETC.**

SEC. 4. If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or remove the snow, ice and filth therefrom, or to remove and to keep the same free from obstructions, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be built, rebuilt or repaired, and the expense, or such part thereof, as the council shall have determined, shall be charged to such owner or occupant, and the council may cause the amount of such expenses incurred thereby, for which owner or occupant shall have become liable, to be reported to the supervisor in whose district said walk shall be located, to be levied by him as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given as in all other cases of special assessments provided for by this act, and such tax, when confirmed, shall be a lien upon such lot or premises the same as other special assessments, and the council shall order the supervisor in whose district such lot or premises are situated, to spread said amount, together with a penalty of ten per cent upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes; or the city may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

**SIGNS, POSTS, AWNINGS, ETC.**

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, sign posts, awnings, and awning posts, and other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same; and to prohibit and prevent obstructions, encumbrances or other nuisances upon the walks.

**CHAPTER XX.****COST OF PUBLIC IMPROVEMENTS. SPECIAL ASSESSMENTS; HOW PAID.**

SECTION 1. The costs and expense of the following improvements, including the necessary lands therefor, namely: For city hall and other public buildings and offices for the use of city officers, engine houses and structures for the fire de-

partment, for water-works, for lighting purposes, hospitals, quarantine grounds or pest houses, market houses and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

#### ASSESSMENTS; WHO TO MAKE.

Sec. 2. Special assessments authorized by this act shall be made by the supervisor in whose assessing district or supervisor district the special assessing district may be. If the supervisor, whose duty it is to make such special assessment, shall be interested in such special assessment as directed by the council, they shall appoint some other person to act in the stead of such supervisor who shall make such assessment.

#### DUTY OF COUNCIL.

Sec. 3. When the owners of a majority of the lands liable to be assessed in any special assessment district, or part of the city which may be constituted a special assessment district, shall petition the council for any public improvement except sewers, the council shall order such improvement to be made. In other cases public improvements shall be made in the discretion of the council. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, shall be apportioned from the general funds of the city, or from the street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

#### NOTICE OF PUBLIC IMPROVEMENT.

Sec. 4. Before ordering any public improvement or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or

work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

**SPECIAL ASSESSMENTS NOT TO EXCEED TWENTY-FIVE PER CENT.**

SEC. 5. The cost and expense of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding tax roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

**WHEN ASSESSMENT SHALL BE MADE.**

SEC. 6. Special assessments to defray the estimated cost of any improvement, shall be levied before the making of the improvement.

**ASSESSMENT; HOW MADE.**

SEC. 7. When any special assessment is to be made pro rata upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the supervisor in whose assessing district the improvement may be, and shall state therein the amount to be assessed and whether according to frontage or benefits; and describe or designate the lots and premises or locality constituting the district to be assessed.

**UNKNOWN OWNERS.**

SEC. 8. Upon receiving such order and directions, the supervisors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment, and if the several descriptions thus to be assessed in any special assessment district shall extend into more than one supervisor district of the city, two rolls shall be made, one for each supervisor district. In all cases where the ownership of any description is unknown to the supervisor, he shall, in lieu of the name of the owner, insert the name "Unknown;" and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such reason, be vitiated, but shall, in all respects, be as

made by the supervisor, for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms), is now on file in my office for public inspection. Notice is also given that the council and supervisor will meet at the council room in the city of Hastings on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated.....

.....  
City Clerk.

#### REVIEW OF ASSESSMENT.

**SEC. 14.** At the time and place appointed for the purpose, as aforesaid, the council and supervisor shall meet, and there or at some adjourned meeting, review the assessment and shall hear any objections to any assessment which may be made by any person deeming himself aggrieved thereby, and the council may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the supervisor for revision; or annul it and direct the supervisor to make a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an indorsement upon the roll showing the date of the confirmation.

#### WHEN CONFIRMED, TO BE FINAL.

**SEC. 15.** When any special assessment shall be confirmed by the council, it shall be final and conclusive.

#### WHEN ASSESSMENT TO BECOME A LIEN.

**SEC. 16.** All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the person to whom assessed until paid.

#### ASSESSMENT; WHEN TO BE COLLECTED.

**SEC. 17.** Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the council shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with proportionate interest thereon. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in this section, shall be due and payable upon confirmation.

chargeable therewith, shall be reported to the council in such manner as they shall prescribe. And the provisions of the preceding section of this chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvement, shall not apply to assessments to cover the expenses incurred, in respect to that class of improvements contemplated in this section.

#### COUNCIL TO DETERMINE AMOUNT.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the person chargeable therewith, respectively, to be reported by the city clerk to the supervisor for assessment.

#### SUPERVISOR TO MAKE ASSESSMENT ROLL.

SEC. 12. Upon receiving the report mentioned in the preceding section, the supervisor shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to him, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed, as aforesaid, to be levied upon each of said lots or premises respectively, and when completed, he shall report the assessment to the council; and all the several assessments in each assessing district shall be kept separate the same as is required in section eight of this chapter.

#### FILING OF ROLL, NOTICE, OBJECTIONS.

SEC. 13. When any special assessment roll shall be reported by the supervisor to the council, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered consecutively. Before adopting such assessment, the council shall cause notice to be published two weeks at least in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and supervisor will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all others interested therein, and may be in the following form:

#### NOTICE OF SPECIAL ASSESSMENT.

To (insert the names of the persons against whom the assessment appears), and to all other persons interested, take notice: That the roll of the special assessment heretofore

made by the supervisor, for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms), is now on file in my office for public inspection. Notice is also given that the council and supervisor will meet at the council room in the city of Hastings on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated.....

.....  
City Clerk.

#### REVIEW OF ASSESSMENT.

SEC. 14. At the time and place appointed for the purpose, as aforesaid, the council and supervisor shall meet, and there or at some adjourned meeting, review the assessment and shall hear any objections to any assessment which may be made by any person deeming himself aggrieved thereby, and the council may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the supervisor for revision; or annul it and direct the supervisor to make a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an indorsement upon the roll showing the date of the confirmation.

#### WHEN CONFIRMED, TO BE FINAL.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive.

#### WHEN ASSESSMENT TO BECOME A LIEN.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the person to whom assessed until paid.

#### ASSESSMENT; WHEN TO BE COLLECTED.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the council shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with proportionate interest thereon. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in this section, shall be due and payable upon confirmation.

**SPECIAL ROLL FOR EACH INSTALLMENT.**

SEC. 18. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest thereon upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

**APPORTIONMENT WHEN LAND DIVIDED AFTER ASSESSMENT.**

SEC. 19. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, the council may require the supervisor to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

**WHEN ASSESSMENT IS INSUFFICIENT.**

SEC. 20. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make additional pro rata assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

**WHEN FIRST ASSESSMENT ILLEGAL, NEW TO BE MADE.**

SEC. 21. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof, shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

**EQUITABLE LIEN NOT IMPAIRED.**

SEC. 22. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same.

or, as by a regular mode of proceeding might have been lawfully assessed thereon.

**CLERK TO REPORT ASSESSMENT TO SUPERVISORS.**

**SEC. 23.** Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of the district in which the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and direct the supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are especially assessed, and against the persons chargeable therewith, as a tax, in such tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said tax roll shall be collected and enforced with the other taxes in the tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected, shall be paid into the city treasury.

**TAXES MAY BE COLLECTED WITHOUT ASSESSMENT IN TAX ROLL.**

**SEC. 24.** When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessment to be reported to the supervisor, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the supervisor shall attach his warrant to a certified copy of said special assessment roll, therein and thereby commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

**TREASURER TO COLLECT TAXES.**

**Sec. 25.** Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall refuse or neglect to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and

sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

**RETURN OF ROLL BY TREASURER.**

Sec. 26. The treasurer shall make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

**WARRANT MAY BE RENEWED.**

Sec. 27. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall direct and determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the city treasurer unpaid as aforesaid, the same shall be certified to the supervisor of the proper district in the manner provided in section twenty-three of this chapter, and shall then be reassessed with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment until the first day of July, if the next tax roll be for city taxes payable July first, or until the first day of December if the next roll be the tax roll for general taxes payable December first in the next tax roll, and be collected and paid in all respects as provided in section twenty-three aforesaid.

**TAX MAY BE COLLECTED BY ACTION OF ASSUMPSIT.**

Sec. 28. At any time when a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same, shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

**IRREGULARITIES NOT TO VITIATE.**

**SEC. 29.** If in any such action it shall appear that by reason of any irregularities or informalities, the assessment has not been regularly made against the defendant, or upon the lot or premises sought to be charged, the court may nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

**CHAPTER XXI.****APPROPRIATION OF PRIVATE PROPERTY FOR PUBLIC USE.—PURPOSES FOR WHICH MAY BE TAKEN.**

**SECTION 1.** Private property may be appropriated for public use by the city for the purpose of opening, widening, altering or extending streets, alleys and avenues; for the construction of bridges, for public buildings, and for other public structures, for public parks, market places and spaces, and for the improvement of water courses; for sewers, drains and ditches; for public hospitals, pest houses, quarantine grounds and public cemeteries, and for other lawful and necessary public use.

**PROCEEDING TO BE UNDER GENERAL LAW.**

**SEC. 2.** If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and to hold the same and the ownership therein and thereto may be acquired by the city, either in the manner and with like effect as provided by the general laws of this State relating to the taking of private property for public uses in cities and villages, or by instituting and prosecuting the proceedings for that purpose as hereinafter set forth.

**CITY ATTORNEY TO INSTITUTE PROCEEDINGS.**

**SEC. 3.** Whenever the council shall have declared a public improvement to be necessary in the municipality and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the benefit of the public, they shall, by resolution, direct the city attorney to institute the necessary proceedings in behalf of the city, before the probate court, as they may designate, to carry out the object of the resolution in regard to taking private property by the city for such public use.

**FILING OF PETITION, ETC.**

**SEC. 4.** The city clerk shall make and deliver to the city attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such probate court in the name of the city, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the council shall be annexed which certified copy shall be prima facie evidence of the action taken by the council and of the passage of the said resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the city in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it for a just compensation to be made. A description of the property to be taken shall be given, and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary, and that they deem it necessary to take the private property described in that behalf or such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things, and may pray for any other or further relief to which the city may be entitled, within the objects of this chapter.

**PROBATE COURT TO ISSUE SUMMONS.**

**SEC. 5.** Upon receiving such petition, it shall be the duty of the probate court to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said probate court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

**SERVING OF SUMMONS.**

**SEC. 6.** Said summons shall be served by the city marshal, any member of the police force or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the orig-

**for** as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

#### FORM OF VERDICT.

**SEC. 10.** To assist the jury in arriving at their verdict, the probate court may allow the jury, when they retire, to take with them the petition filed in the case and a map showing the location of the proposed improvement and of each and all parcels of property to be taken, and may also submit to them a blank verdict, which may be as follows:

#### PART I.

We find that it is.....necessary to take the private property described in the petition in this case, for the use and benefit of the public for the proposed public improvement.

#### PART II.

The just compensation to be paid for such property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.
.....	.....	.....	.....
.....	.....	.....	.....

Jury.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the probate judge, before it is submitted to the jury, or it may be done by the jury.

#### AMENDMENTS ALLOWED.

**SEC 11.** Amendments either in form or in substance may be allowed in any paper, petition, process, record or proceedings or in the description of property proposed to be taken, or the name of any person, whether contained in the resolution passed by the council or otherwise, whenever the amendments will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

and the respondents collectively, shall each have the right to strike six names from the list of persons written down, as aforesaid, and subject to objection for cause; the six men whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at no less than three nor more than ten days from the day of selecting such jury, by a venire issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the probate judge, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice's courts relative to jurors in civil cases in such courts.

#### OATH TO JURORS.

SEC. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you determine that it is necessary to make such improvement, and to take said property, that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to the law and evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the probate judge, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by all jurors.

#### VERDICT; WHAT TO DETERMINE.

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists, they shall separately award to the owners of such property and others interested therein, such compensation there-

for as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

#### FORM OF VERDICT.

**SEC. 10.** To assist the jury in arriving at their verdict, the probate court may allow the jury, when they retire, to take with them the petition filed in the case and a map showing the location of the proposed improvement and of each and all parcels of property to be taken, and may also submit to them a blank verdict, which may be as follows:

#### PART I.

We find that it is.....necessary to take the private property described in the petition in this case, for the use and benefit of the public for the proposed public improvement.

#### PART II.

The just compensation to be paid for such property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private Property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

Jury.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the probate judge, before it is submitted to the jury, or it may be done by the jury.

#### AMENDMENTS ALLOWED.

**SEC 11.** Amendments either in form or in substance may be allowed in any paper, petition, process, record or proceedings or in the description of property proposed to be taken, or the name of any person, whether contained in the resolution passed by the council or otherwise, whenever the amendments will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

**DUTY OF PROBATE JUDGE.**

SEC. 12. Upon filing the report and award of the jury with the probate court, he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the probate court, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time hereinafter provided.

**DISAGREEMENT OF JURY.**

SEC. 13. If such jury shall be unable to agree upon a verdict or for any cause should fail to render a verdict, the probate court shall, on the application of the city attorney, designate some day and hour when another jury may be impaneled, and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings after they are sworn shall be had by them, and by and before the probate court as provided for above after the first jury is sworn.

**DEATH OR DISABILITY OF JUROR.**

SEC. 14. If any juror, after being sworn, and before the hearing shall have been commenced, shall die, or from sickness or any other cause be unable to discharge his duties as a juror, the probate court may cause to be drawn another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

**APPEAL TO CIRCUIT COURT.**

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned, may, within ten days after entry thereof, appeal therefrom to the circuit court, by filing with the probate court a claim of appeal, in writing, under oath, in which he shall set forth a description of the land in which he claims an interest and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the probate court a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by the probate court, conditioned that he will prosecute his appeal to effect, and

pay costs that may be awarded against him in the circuit court, and paying to the probate court the sum of three dollars for making his return to the appeal.

#### RETURN TO APPEAL BY JUDGE OF PROBATE.

SEC. 16. Within ten days after taking such appeal the probate court shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and file the same with the clerk of the circuit court.

#### CIRCUIT COURT TO HAVE JURISDICTION.

SEC. 17. Upon filing the return of the probate court, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury without reference to any term of court upon the question as to the amount of damages to be awarded; but the finding of the jury before the probate court as to the necessity of taking the land shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

#### JURY TO BE IMPANELED.

SEC. 18. The jury to be impaneled to try the case shall be drawn and impaneled as juries in other civil cases in the circuit court. The jury so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear that you will well and truly ascertain, determine and award the just compensation to be made for the taking for the use or benefit of the public the private property which the petition describes, and that you will faithfully and impartially discharge all other duties as devolve upon you in this case, according to the law and the evidence, and unless discharged by the court, a true verdict give therein, so help you God (or under the pains and penalties of perjury.)" The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the circuit judge, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and shall be signed by all the jurors.

**VERDICT; WHAT TO CONTAIN.**

SEC 19. The jury shall in their verdict separately award to the owners of such property, and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

**FORM OF VERDICT.**

SEC. 20. To assist the jury in arriving at their verdict, the circuit judge may allow the jury, when they retire, to take with them the petition filed in the case, and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken and may also submit to them a blank verdict as set forth in "Part II." of section ten of this chapter.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the circuit judge, before it is submitted to the jury, or it may be done by the jury.

**CONFIRMATION, COSTS.**

SEC. 21. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least one hundred dollars more than the amount awarded to him before the probate court he shall pay costs to the city; otherwise the court shall award such costs to him or to the city, as shall be just.

**CITY CLERK TO RECORD JUDGMENT.**

SEC. 22. It shall be the duty of the city clerk to procure copies of any judgment of confirmation of the circuit court or of the probate court after the same has become final, as well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such probate court, or the judgment of said court, as well as the book of records of such proceedings kept by said city clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.

**PROCEEDINGS AFTER VERDICT.**

SEC. 23. When the verdict of the jury shall have been finally confirmed by the probate court and the time in which to take

an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe that a portion of the city in the vicinity of the proposed improvement will be benefited by such improvement, they may by an entry in their minutes, determine that the whole or any part or just proportion of the compensation awarded by the jury and the costs of obtaining the same, shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained, shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in this act for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof, delinquent for non-payment of the amount assessed and levied thereon, the city may become the purchaser.

#### DUTY OF TREASURER.

SEC. 24. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested, for the private property taken, as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city to pay the persons respectively entitled to the money so set apart and provided, to each his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other

purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate receipts of certificates, verified by oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the probate court before whom such proceedings were had, or his successor, or in case an appeal has been had then in the office of the county clerk, and the other to be filed with the city clerk, which certificate shall be *prima facie* evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purpose for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the city attorney, may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

#### FEES AND COMPENSATION.

SEC. 25. Officers, jurors and witnesses in any proceedings under this chapter, shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the probate courts of this State, and in cases of appeals, the same fees and compensation as are provided by law for similar services in circuit courts. All such fees and compensation shall in the first instance, be paid by the city.

#### PRIMA FACIA EVIDENCE OF OWNERSHIP.

SEC. 26. It shall be *prima facie* evidence as to who are owners of, and persons interested in, any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles of his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be *prima facie* evidence as to ownership, and persons having

an interest in any such property, and the extent and nature of such interest.

#### DISPOSITION OF BUILDINGS.

SEC. 27. In case there is on the private property taken, a building or other structure, the same shall be sold by or under direction of the council. The amount produced by this sale shall belong to and be paid into the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

#### ACT NOT TO PREVENT PURCHASING.

SEC. 28. Nothing in this chapter contained shall prevent the city from obtaining private property for any of the public uses herein specified by negotiation and purchase.

### CHAPTER XXII.

#### WATER WORKS.—CITY MAY MAINTAIN.

SECTION 1. The city of Hastings as re-incorporated under the provisions of this act, shall have authority to purchase or construct new and to maintain and extend existing water-works for the introduction of water into the city, and supplying the same and the inhabitants thereof with pure and wholesome water for the ordinary and extraordinary uses of the inhabitants thereof, the extinguishment of fires, and for such other purposes as the council may prescribe.

#### CITY MAY ERECT RESERVOIRS, ETC.

SEC. 2. The city may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such water-works.

#### CITY MAY BORROW MONEY FOR.

SEC. 3. It shall be lawful for the city, subject to the provisions of this act, to borrow any sum of money not exceeding five per cent of the assessed value of the property in the city, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing or extending water-works, as provided in the two preceding sections. The council shall have the power to fix the time and

place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: Provided, That the total amount expended for constructing, purchasing, or extending such water-works shall not exceed the estimate of expense provided for in section four of this chapter.

**ESTIMATE TO BE MADE BEFORE BORROWING.**

**SEC. 4.** Before any money shall be borrowed, appropriated, raised or expended for the purchase, construction or extension of water-works in the city, the council shall direct the committee on water-works to cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at the next annual election, or at a special election called for that purpose by the council as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide: Provided, however, That after water-works have been purchased or constructed, by the city, the council may then raise and expend, in making repairs and alterations, or in extending such works, such sum as they may see fit, without submitting the question to the electors of the city, but the sum to be raised for such purpose shall be included in and shall not increase the total amount which, by the provisions of section five, chapter twenty-five of this act, the council is authorized to raise.

**WHO TO PLACE AND REPAIR CONNECTING PIPES.**

**SEC. 5.** The connecting or supplying pipes leading from buildings or yards to the curb of the street shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the city clerk. All such connecting or supplying pipes shall be constructed and connected in the manner prescribed by the water committee.

**WATER RATES.**

**SEC. 6.** The committee on water-works shall annually, on or before the first Monday in June, establish a scale of rates to be charged and paid for water supply for the next ensuing year, to be called water rates, which rates shall be approved by the council and shall be appropriate to different classes of buildings in the city, with reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns, lawns, and all other buildings, establishments and trades, yards, number of families or occupants, or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates.

**COUNCIL TO PROVIDE FOR CARE OF WATER WORKS, ETC.**

**SEC. 7.** The council may enact such ordinances or adopt such resolutions as may be necessary for the care, protection, preservation and control of the water-works and all the fixtures appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter and the powers herein conferred in respect to the construction, management and control of such water-works.

**RIGHT TO LAY PIPES.**

**SEC. 8.** For the purpose of operating, constructing, maintaining or extending such water works, the city shall have the right to lay conduits, pipes, aqueducts or other necessary works over or under any water course, or under or along any streets, alleys, lanes, turnpikes, roads, railroads or highways within the city, but not in such manner as to obstruct the same or impede or prevent travel thereon; and the city authorities may at all times enter upon and dig up such streets, alleys, roads or highways to lay pipes thereon, or to construct works beneath the surface thereof, but they shall cause the surface thereof to be relaid and restored to its usual state, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

**HOW PRIVATE PROPERTY MAY BE ACQUIRED FOR WATER WORKS.**

**SEC. 9.** If it shall be necessary, in the judgment of the council, to appropriate private property either within or without the city for the construction and maintenance or for the due operation of water-works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

**CHAPTER XXIII.****LIGHTING.—CITY MAY OWN LIGHTING PLANT.**

**SECTION 1.** It shall be lawful for the city under the provisions of this chapter to acquire by purchase or to construct, operate and maintain, either independently or in connection with the water-works of the city, either within or without the city, works for the purpose of supplying the city and the inhabitants thereof, or either, with gas, electric or other lights at such times and on such terms and conditions as hereinafter provided.

**RESOLUTION BY COUNCIL.**

SEC. 2. Whenever the council shall, by resolution, declare that it is expedient for the city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying the city and the inhabitants thereof, or either, with gas, electric or other lights, then such council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

**LIGHTING COMMITTEE TO MAKE ESTIMATE.**

SEC. 3. In case the council shall declare that it is expedient for the city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying the city, or the inhabitants thereof, or either, with electric or other lights, then the council shall direct the lighting committee to cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its next annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide.

**CITY MAY BORROW MONEY.**

SEC. 4. It shall be lawful for the city to borrow any sum of money not exceeding five per cent of the assessed value of the property in the city as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: Provided, That the total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense thereof provided for in section three of this chapter.

**LIMIT OF MONEY FOR REPAIRS.**

SEC. 5. After lighting works have been purchased or constructed, as aforesaid, the council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable without submitting the question to the electors of the city; but the sum to be raised shall not increase the total amount which by the provisions of section five, chapter twenty-five of this act the council is authorized to raise.

**RATES FOR LIGHTING.**

**SEC. 6.** The lighting committee, subject to the approval of the council, shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of the city with lights, and shall annually on the first Monday in June fix such rates for the year next ensuing.

**HOW PRIVATE PROPERTY MAY BE TAKEN.**

**SEC. 7.** If it shall be necessary in the judgment of the council to appropriate private property either within or without the city, for the construction and maintenance or for the due operation of lighting works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

**CITY MAY CONTRACT WITH COMPANY.**

**SEC. 8.** The council may contract from year to year, or for a period of time not exceeding ten years with any person or persons, or with any duly authorized corporation, for the supplying of the city or the inhabitants thereof, or both, with gas, electric or other lights upon such terms and conditions as may be agreed upon; and may grant to such person, persons or corporation the right to the use of the streets, alleys and public grounds of the city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in the contract.

**ORDINANCES CONCERNING LIGHTING PLANT.**

**SEC. 9.** The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the erection, purchase, management and control of such works.

**CHAPTER XXIV.****FIRE DEPARTMENT.—ORGANIZATION.**

**SECTION 1.** The council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against dam-

age and accidents resulting therefrom; and for this purpose; to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employees, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such employees, firemen and officers.

#### ENGINES; WATER SUPPLY.

SEC. 2. The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

#### BUILDINGS FOR DEPARTMENT.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus for the department.

#### CHIEF.

SEC. 4. The chief of the fire department, subject to the direction of the mayor, shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant chiefs and others officers of the department as may be necessary.

#### POWERS OF CHIEF.

SEC. 5. The chief of the fire department, or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment for ninety days, or by a fine not exceeding one hundred dollars, or both such fine and imprisonment in the discretion of the court.

#### FIRE WARDEN; DUTIES OF.

SEC. 6. The council may provide by ordinance for the appointment of, and may appoint, such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and struct-

ures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

#### FIRE LIMITS; FIRE ESCAPES.

SEC. 7. The council may prescribe by ordinance, from time to time, limits of districts within the city, within which wooden buildings and structures shall not be erected, placed, enlarged or repaired; and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outside walls and roof shall be constructed. The council may provide by ordinance for proper fire escapes on buildings and compel the owners and occupants thereof to construct and maintain the same.

#### REGULATION OF TRADES, COMBUSTIBLES, LIGHTS.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the protection of any trade or business; the keeping of lumber yards and the storing of lumber, wood or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances and the use of lights in buildings; and generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

#### VIOLATION OF BUILDING ORDINANCE.

SEC. 9. Every building or structure which may be erected, placed, enlarged, repaired or kept in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

#### COMPENSATION, INJURIES.

SEC. 10. The officers, firemen and employees of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

#### BUILDINGS MAY BE PULLED DOWN.

SEC. 11. The chief in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire. Whenever any building is so pulled down or de-

stroyed, any person having an interest in such building may present his claim for damages to the council of the city, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant, then the amount of such damages shall be ascertained by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use. Such jury may visit the premises and hear all proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances, as above stated. If such jury shall not be able to agree, a new jury shall be impaneled as above provided, until a jury has been obtained that shall agree; and the city shall pay such claimant the amount of damages fixed by the jury. There shall be no appeal from the verdict of such jury, either by the city or by the claimant.

## CHAPTER XXV.

### FINANCE AND TAXATION.—FISCAL YEAR.

SECTION 1. The fiscal year shall commence on the first Monday of October of each year and shall continue until the first Monday of October of the year following.

### POWER OF COUNCIL TO IMPOSE TAXES.

SEC. 2. The council shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in the act granted. The taxes in the city shall be collected in two installments, one of which installments shall be for the general taxes, and which shall be assessed, levied and payable as provided in the general tax laws of the State, where not inconsistent with the provisions of this act; the other installment which shall be for the city taxes and shall be payable on the first day of July in each year.

### DIFFERENT FUNDS.

SEC. 3. The revenues raised by general tax upon all the property in the city or by loan to be repaid by such tax, shall be divided into so many of the following general funds as are necessary:

First, Contingent fund, to defray the contingent and other

xpenses of the city for the payment of which from some other  
ind no provision is made;

Second, Fire department fund, to defray the expenses of pur-  
hasing grounds, erecting engine houses thereon, purchasing  
ngines and other fire apparatus of the city: Provided, That  
ll parcels of land of ten acres or more, used exclusively for  
arming purposes, and not laid out into city lots, together with  
he farming implements and live stock owned and used in con-  
ection therewith, shall be exempt from the taxes for fire de-  
partment fund.

Third, General street fund, to defray the expenses of open-  
ng, widening, extending, altering and vacating streets, alleys  
nd public grounds, and for grading, paving, curbing, gravel-  
ng and otherwise improving, repairing and clearing the streets,  
alleys and public grounds of the city, and for the construction  
nd repair of sidewalks and crosswalks, and for the care there-  
of;

Fourth, General sewer fund, to defray the expenses of sewers,  
drains, ditches and drainage, and the improvement of water  
courses;

Fifth, Bridge fund, for the construction and maintenance of  
bridges;

Sixth, Water fund, for maintaining and extending a system  
of water-works and for constructing reservoirs and cisterns,  
and providing other water supply;

Seventh, Interest and sinking fund, for the payment of the  
public debt of the city and the interest thereon;

Eighth, Park fund, for the purchase of grounds for public  
parks and the maintenance and improvement thereof;

Ninth, Light fund, for the construction, purchase and main-  
tenance of electric or other lights;

Tenth, Such other funds as the council may from time to  
time constitute.

#### SPECIAL FUNDS.

SEC. 4. Revenues and moneys raised by taxation in special  
districts of the city shall be divided into the following special  
funds:

First, A street district fund for each street district, for de-  
fraying the expenses of grading, improving, repairing and work-  
ing upon the streets therein, and for the payment of all street  
expenses, which the council shall charge upon the street dis-  
trict;

Second, A district sewer fund, for each main sewer district,  
for the payment of the costs and expenses of sewers and drain-  
age in, and chargeable to the main sewer district, when the  
city shall be divided into such districts;

Third, Special assessment funds, any money raised by spe-  
cial assessment levied in any special assessment district or  
special sewer district to defray the expenses of any work, pav-  
ing, improvement, repairs or drainage therein, shall constitute  
a special fund for the purpose for which it was raised.

**LIMIT OF TAXATION.**

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted (exclusive of taxes for schools and schoolhouse purposes) shall not, except as herein otherwise provided, exceed in one year, one per cent.

**LIMIT OF SPECIAL ASSESSMENT.**

SEC. 6. In addition to the above amounts, the council may raise by special assessment in sewer districts and special assessment districts for the purpose of grading, paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains and making other local improvements chargeable upon the lands and property in the district, according to frontage and benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city.

**SINKING FUND.**

SEC. 7. The council may also raise such further sums annually, not exceeding two and one-half mills on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

**ESTIMATE FOR ANNUAL EXPENSES.**

SEC. 8. It shall be the duty of the council to cause estimates to be made in the month of May in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year.

**ESTIMATE OF EXPENSES CONTINUED.**

SEC. 9. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the

amount or part of any special assessment which they require to be levied or reassessed upon the next city tax rolls of the city, upon lands in any main sewer district, or upon any parcel of land, or against any particular person as a special assessment.

**ANNUAL APPROPRIATION BILL.**

**SEC. 10.** The council shall also in the said month of May, pass a resolution to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year payable from the several general funds, as estimated and determined upon, as provided in section eight of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next city or July tax levy, or by loans, or both, and to be paid into the several general funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by section five and seven of this chapter, to raise by general tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied, to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or assessed, as mentioned in section nine of this chapter, and the disposition to be made of such sums of money, and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year to be paid for in whole or in part by special assessments, and the estimated cost thereof.

**BILL TO BE REPORTED TO COUNTY CLERK AND SUPERVISORS.**

**SEC. 11.** All sums ordered in the annual appropriation bill in any year to be raised for the several general funds, shall, by the board of review and equalization provided for in section five of chapter twenty-four of this act, be apportioned on or before the fifteenth day of May, among the several wards of the city according to their assessed valuation. And all amounts reported to the council by the board of education to be raised for schools, library and schoolhouse purposes, shall be certified to the clerk of the board of supervisors on or before the first Monday of October. All sums ordered in said bill to be levied or reassessed in street or sewer districts or as special assessments, and all sums ordered in the annual appropriation bill apportioned as aforesaid, shall, forthwith, be certified by the city clerk to the supervisors of the respective supervisor districts; and all such sums shall be levied and collected on such July or city tax roll. If, however, any part of the taxes as-

sessed and levied on the July roll are not paid, such sums shall be levied and collected with the State and county taxes, next thereafter to be levied within such city.

**'NO FURTHER SUMS TO BE APPROPRIATED AFTER ANNUAL BILL.'**

SEC. 12. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a two-thirds vote of the electors voting upon the proposition at the next annual city election or at any special election called for that purpose. But this section shall not prohibit the council from making any necessary repairs or expenditure at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year or such necessity arising from an existing, evident and impending danger, and from borrowing the money therefor: Provided, That such expenditure shall not be made unless three-fourths of all the aldermen elect vote therefor.

**NO IMPROVEMENT WITHOUT APPROPRIATION.**

SEC. 13. No improvement, work, repairs or expense, to be paid for out of any general fund, or street district fund, excepting as herein otherwise provided, shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation especially made therefor, in the last preceding annual appropriation bill, nor shall any expenditure be made or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money paid out of any general or special fund, for any purpose, unless appropriated for that purpose in said bill.

**LIMIT OF IMPROVEMENTS.**

SEC. 14. No work or improvement to be paid for by special assessment costing more than three thousand dollars, shall be ordered commenced or contracted for, nor shall any assessment be levied therefor in any year, unless the intention to make such improvement or expenditure and to defray the costs thereof by special assessment, was set forth in the last preceding annual appropriation bill: Provided, however, That this section shall not apply to any public improvement ordered by the council upon a petition of the owners of a majority of the lands liable to be assessed for the improvement.

**IMPROVEMENT NOT TO BE COMMENCED UNTIL TAX IS LEVIED.**

SEC. 15. No public work, improvement or expenditure shall be commenced, nor any contract therefor be let or made, except

as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expenses thereof, and no such work or improvement shall be paid for, except from the proceeds of the tax or assessment thus levied, or from the proceeds of bonds issued in anticipation of the collection of said tax.

COUNCIL MAY RAISE PART BY TAX AND PART BY LOAN.

SEC. 16. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year, for the purpose of the general or special funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: Provided, That the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

COUNCIL MAY MAKE LOANS IN CERTAIN CASES.

SEC. 17. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

LIMIT MAY BE INCREASED WHEN.

SEC. 18. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of grounds therefor, or for other public improvements or purposes, to be paid from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by two-thirds of the electors voting upon the question at an annual city election or special election called for that purpose. The amount that may be voted or raised in any year under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls made therein.

HOW PROPOSITION SUBMITTED.

SEC. 19. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed, and published in one or more newspapers of the city, copies of which shall be posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

**MONEYS TO BE APPLIED TO PURPOSE FOR WHICH RAISED.**

SEC. 20. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purpose for which moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such case the surplus fund may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

**HOW MONEY SHALL BE DRAWN FROM TREASURY.**

SEC. 21. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council and upon the warrant of the clerk countersigned by the mayor. Such warrant shall specify the fund from which it is payable and shall be paid from no other fund.

**FUNDS NOT TO BE OVERDRAWN.**

SEC. 22. No warrant shall be drawn upon the treasurer, after the fund from which it should be paid has been exhausted nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it. Any warrant, draft or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

**LIMIT OF LOANS; HOW EXTENDED.**

SEC. 23. No loans shall be made by the council, or by its authority, in any year exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest not exceeding six per cent per annum. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not to increase the indebtedness of the city. Each bond shall show upon its face what class of indebtedness it belongs to, and from what fund it is payable: Provided, however, That the time of payment of such bonds shall not be extended unless two-thirds of all the aldermen elect vote therefor.

**ANNUAL FINANCIAL STATEMENT.**

**SEC. 24.** Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund, the amount levied by special assessments and the amounts collected on each; and the amount of money borrowed and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

**STATEMENT; WHERE FILED.**

**SEC. 25.** Said statement, signed by the mayor and city clerk, shall be filed in the office of the city clerk, and a copy thereof published in one or more of the newspapers of the city.

**PENALTY FOR MISAPPROPRIATING FUNDS.**

**SEC. 26.** If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the city or any board thereof, to his own use, or shall directly or indirectly and knowingly, appropriate or convert the same to any other purpose than that for which such securities, evidences of value or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of wilful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both such fine and imprisonment, in the discretion of the court.

**BONDS; WHEN PAYABLE.—PENALTY FOR ALTERING.**

**SEC. 27.** Every bond issued by the city shall be made payable within thirty years from the date of issue, and shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, the particular public im-

provement shall also be specified on the face of such bond, and it shall be unlawful for any officer of the city to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

## CHAPTER XXVI.

### ASSESSMENT AND COLLECTION OF TAXES.—SUPERVISORS TO ASSESS.

SECTION 1. The supervisors of the city shall, in each year, make and complete an assessment of all the real and personal property within their respective supervisor districts liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner, and within the same time as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective supervisor districts, they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof; such assessment shall be made in two separate rolls, one for the city taxes and special assessments to be known as the "city or July roll," the other for State, county and school taxes, to be known as the "December tax roll," and in the making of such assessments and in the levying of taxes such city shall be treated as a whole or as one assessment district as townships are treated under the general tax laws of the State.

### PROPERTY OF PERSONS CLAIMING RESIDENCE ELSEWHERE.

SEC. 2. If any person residing in the city a part of the time during the year shall in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer, or officer requiring pay-

ment of such tax, a receipt duly signed and authenticated by affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

**PERSONAL PROPERTY ; WHERE ASSESSED.**

SEC. 3. All personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for such property.

**SUPERVISORS TO CONFER WITH EACH OTHER.**

SEC. 4. For the purpose of assessing all property equally in the whole city, the supervisors shall meet and confer together from time to time, while making their assessments, and equalize their valuations in such manner as may be just.

**BOARD OF REVIEW ; WHO TO BE, AND DUTIES OF.**

SEC. 5. The supervisors of the several supervisor districts, the two members of the board of review provided for in section one of chapter three of this act, and city attorney shall constitute a board of equalization and review of the general assessment rolls of the several supervisor districts of the city, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have power, and it shall be their duty, to examine said assessment rolls, and they shall have authority to and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and on their own motion, or on cause shown, may reduce or increase the valuation of any property found on said rolls, and shall add thereto any taxable property in the city that may have been omitted, and shall value the same; and to strike from said rolls any property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper, for which services such members of said board shall receive two dollars per day while actually employed. If on examination they shall deem the valuation of the several wards to be relatively unequal, they shall equalize the same by adding to or deducting from the total valuation of the taxable property in any ward such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the real estate in the city; and the amount added to or deducted from the total valuation of such ward or assessment district shall be so stated in the certificate attached to the assessment roll of such ward;

and all taxes for State, county, school, general city and sewer purposes shall be apportioned according to said equalization, in manner hereinbefore provided, and the said equalization shall not be changed with regard to the relative valuation of the several wards or supervisor districts of the city, and the board of supervisors of the county shall equalize the city as a unit the same as a township is equalized, and any amount added to or deducted from the total valuation of the city as a unit, shall be apportioned by the clerk of the board of supervisors among the several supervisor districts, according to the equalized valuation of the real property in each supervisor district as fixed by the board of review.

#### MEETING OF BOARD OF REVIEW.

SEC. 6. The board of review shall meet on the third Monday in May in each year, at the council room, at nine o'clock in the forenoon, of which time and place notice shall be given by the city clerk at least two weeks prior to the time of meeting, by publishing a notice thereof in one or more of the newspapers of the city, or by posting the same in three public places in each ward of the city, at which time and place the supervisors shall submit to said board their respective general assessment rolls. They shall select one of their number as chairman, and one as secretary, and shall continue in session at least four days successively, and as much longer as may be necessary to complete the review, and at least six hours in each day, during said four days or more; and any persons desiring to do so, may examine his, her or their assessment on said rolls, and may show cause, if any exists, why the valuation thereof should be changed, and the said board shall decide the same, and their decision shall be final. They may examine on oath any person touching the matter of his or her assessment, and the chairman or any member of the board may administer oaths. They shall keep a record of their proceedings, and all changes made in said rolls, and the amount added or deducted from the total valuation in each supervisor district shall be entered upon such record, which record shall be deposited with the city clerk. The decision of a majority of said members upon all questions shall govern. The rolls as prepared by the supervisors shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. Said board shall have the same power and perform the same duties in all respects as boards of review of townships, in reviewing and correcting assessments made by supervisors of townships, except as in this act otherwise provided. After said board of review shall have completed the revision of said rolls, they shall indorse and sign a statement upon each roll, to the effect that the same is the general assessment roll of the supervisor district to which it applies for the year in which it has been prepared, as approved by the board of review. Such statement may be in the following form, viz.:

STATE OF MICHIGAN, } ss.  
County of Barry.

We hereby certify that the board of review and equalization of the city of Hastings have reviewed, equalized and corrected the within assessment roll and have deducted (or added as the case may be) ..... dollars from (or to, as the case may be), the valuation of the real estate made by the supervisor, and have determined the aggregate value of such real estate to be ..... dollars, and the total value of the personal estate to be ..... dollars for the year A. D. 19.....

Dated.....A. D. 19.....

.....  
.....  
.....  
.....  
.....

Board of Review.

Upon the completion of such rolls, and their indorsement in manner aforesaid, they shall be returned to the several supervisors, and shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes mentioned in the general laws of the State, relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not affect the validity of any such roll.

CLERK TO REPORT TAXES TO COUNTY CLERK.

SEC. 7. On or before the first Monday of October of each year, the city clerk shall certify to the county clerk all sums for city purposes that have not been paid upon the July rolls, and for school, library and schoolhouse purposes, by general taxation upon all the taxable property of the whole city.

BOARD OF SUPERVISORS TO APPORTION.

SEC. 8. The board of supervisors shall apportion the amounts to be raised as mentioned in the preceding section among the supervisor districts of the city, according to the equalized valuation of the property appearing upon the certificate of the several assessment rolls of the city for such year, as finally equalized by the board supervisors, and the clerk of said board shall certify to the supervisor of each supervisor district for assessment therein, the amount so apportioned for school, library and schoolhouse purposes in a separate sum, within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in the county for the year. Said clerk of the board shall also certify to the city clerk the amounts of State and county taxes apportioned to the several supervisor districts of the city, as aforesaid.

**CLERK TO REPORT TO THE SUPERVISORS.**

SEC. 9. On or before the first Monday of June in each year the city clerk shall certify to the supervisors of each supervisor district, for the assessment therein, all amounts which the council require to be assessed or re-assessed in any main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person as a special assessment or otherwise within his district, together with a designation of the district, or description of the land or person upon whom or within which the several sums are to be assessed or reassessed, with such further descriptions and directions as will enable such supervisor to assess the several amounts upon the property and person chargeable therewith.

**SUPERVISOR TO LEVY IN ROLL.**

SEC. 10. Each supervisor shall levy in the July roll upon all taxable property in the supervisor district, the amounts certified to him by the city clerk to be raised for city taxes, and special assessments, and he shall, at the time fixed in the general tax law, levy in the December roll, all sums to be raised for school, library and schoolhouse purposes, and all such taxes as were not paid on the fifteenth day of November next following the levy of such city taxes, and special assessments, together with interest thereon, from July first to December first, at ten per cent per annum, placing said interest in a separate column head "Penalty," and said penalty shall thereafter be treated in all respects as an item of taxes. Such item of taxes, and each special assessment, shall be entered in a separate column in such rolls, and the total taxes shall be entered in the last column of said rolls.

**SUPERVISORS TO REPORT AMOUNTS LEVIED TO CITY CLERK.**

SEC. 11. Each supervisor upon completing his roll shall certify to the city clerk the amounts of taxes levied in the roll for State and county purposes, and for city and school taxes, special assessments and other purposes, and the clerk shall charge the said amounts to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, and in case the roll be the July roll, such roll shall be delivered to the city treasurer on or before the first day of July; each supervisor shall deliver a certified copy of the December roll, with the taxes extended therein as aforesaid, to the city treasurer, with his warrant for the collection of taxes therein, annexed thereto.

**WARRANTS; WHAT TO INCLUDE.**

SEC. 12. The warrant annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively. If the roll be the July roll,

the warrant annexed thereto shall command the city treasurer to collect from the several persons named in said roll the several sums named in the last column thereof opposite their respective names, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed, on or before the fifteenth day of September next following. If the roll be the December roll, the warrant annexed thereto shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed, on the first day of March then next ensuing; and the several warrants shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

#### TAXES TO BE A LIEN UNTIL PAID.

SEC. 13. All taxes levied in any tax roll of the city shall be and remain a lien upon the lands upon which they are levied until paid.

#### NOTICE AND FEES OF TREASURER.

SEC. 14. Upon receiving the several tax rolls as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him and that the taxes therein levied can be paid to him at his office at any time before the tenth day of January then next ensuing, if the roll be the December roll, and if the roll be the July roll, on or before the tenth day of August, with one per cent charge for collection; but that four per cent collection fee shall be charged and collected upon all taxes remaining unpaid on said tenth day of January or tenth day of August, as the case may be. Said notice shall be given by publishing the same twice in one or more of the newspapers of the city, or by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the treasurer to be at his office at such times previous to the said tenth day of January and tenth day of August, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall collect one per cent fees upon any taxes paid to him before the said tenth day of January or said tenth day of August, but after those dates he may collect both the tax and four per cent collection fee.

#### MANNER OF COLLECTING TAXES.

SEC. 15. For the collection of all taxes remaining unpaid on the general roll on the tenth day of January, and on the July roll on the tenth day of August, the city treasurer shall proceed in the same manner as township treasurers are re-

quired by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county, or any county adjoining thereto, and from which no property shall be exempt.

#### NEW WARRANTS.—SUITS.

SEC. 16. The county treasurer may issue new warrants to the city treasurer for the collection of taxes in the same manner and in the same cases, and with the same effect, as such new warrant may be issued to township treasurers. The city treasurer may, and it shall be his duty to proceed by suit in the name of the city, for the collection of unpaid taxes in the same cases, and under like circumstances in which the township treasurers are authorized to proceed in that manner, and all the provisions of law applicable to suits and evidence therein brought by township treasurers in the name of their township for such purposes, shall be applied to suits brought by the city treasurer as aforesaid.

#### SUPERVISOR DISTRICTS TO BE CONSIDERED SAME AS TOWNSHIP.

SEC. 17. For the purpose of assessing and levying taxes under this act, for State, county, school and library purposes, each supervisor district shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the supervisors in the city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

#### PAYMENT OF MONEY TO COUNTY TREASURER.

SEC. 18. The city treasurer shall within one week after the time specified and directed in the warrants annexed to said several December tax rolls, pay to the county treasurer the sums required in said warrants to be so paid, either in delinquent taxes on lands, or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned, shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

#### DELINQUENT TAXES.

SEC. 19. All provisions of law respecting delinquent taxes levied in townships shall apply to all taxes levied in any supervisor district of the city, and be returned as delinquent to the county treasurer and the supervisor district, in respect to taxes levied therein and returned to the county treasurer, as de-

linquent, shall, except as herein otherwise provided, be considered and treated as a township, and all provisions of law for the sale of lands for the payment of taxes levied for State, county and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in any supervisor district of the city, except as herein otherwise provided.

## CHAPTER XXVII.

### MISCELLANEOUS.—RE-INCORPORATION NOT TO AFFECT FORMER RIGHTS.

SECTION 1. The city of Hastings, as re-incorporated under the provisions of this act, shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to the city as formerly incorporated, and no rights or liabilities, either in favor or against the former corporation, existing at the time of its re-incorporation under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such re-incorporation, but the same shall stand or progress as if no such re-incorporation had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of the re-incorporation under this act shall be collected the same as if such re-incorporation had not taken place: Provided, That when a different remedy is given in this act which can be made applicable to any rights existing at the time of the re-incorporation under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

### TERM OF OFFICE OF OFFICERS NOT TO BE AFFECTED BY RE-INCORPORATION.

SEC. 2. All the officers of the city, elected or appointed under the provisions of the former act of incorporation of the city, and in office at the time of the taking effect of this act, shall continue to exercise their respective functions under the provisions of this act of re-incorporation for the full term for which they were so elected or appointed, and until their successors shall have qualified and entered upon the duties of their respective offices, unless herein otherwise provided.

### ORDINANCES TO REMAIN IN FORCE.

SEC. 3. The by-laws and ordinances of the city and the rules and regulations of the council, and of the board of health or other board or boards of the city, heretofore in force and not inconsistent with this act, shall remain in force after the passage of this act, and are hereby declared to be re-enacted

by virtue of and under the powers conferred by this act until altered, amended or repealed by the council or such board as the case may be.

**SPECIAL ASSESSMENTS TO REMAIN IN FORCE.**

SEC. 4. In cases where a special assessment has been made by authority of and confirmed by the council, and the same or some part thereof shall not have been collected when this act shall take effect, the city, as hereby re-incorporated, shall have authority to enforce the payment thereof, and the same proceedings may be had therefor as provided in this act.

**LICENSES TO REMAIN IN FORCE.**

SEC. 5. All licenses granted by the city under its former act of incorporation shall be and remain in full force and virtue until the expiration of the time for which they were granted.

**SERVICE OF PROCESS AGAINST CITY.**

SEC. 6. All process against the city of Hastings as re-incorporated under this act, shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk or city attorney, at such time and manner as may be provided by law.

**PLATTING LANDS.**

SEC. 7. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys, within the city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots, streets and alleys of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds of the county of Barry until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and dedication has been approved by the council; nor shall the city by reason of such approval, be responsible for the improvement, care and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance or resolution as in this act provided.

**TERM "CITY" DEFINED.**

SEC. 8. The term "city," whenever used in this act, shall be construed to mean the city of Hastings.

**CITY NOT TO OWN STOCK.**

**SEC. 9.** The city of Hastings shall not become the owner or holder of stock or shares in any incorporated company.

**AFFIDAVIT OF PUBLICATION OF NOTICES.**

**SEC. 10.** When, by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ, knowing the facts, if such notice was required to be made by publication, or by the person posting the same, when required to be by posting, shall be prima facie evidence of the facts therein contained: Provided, That the same shall be filed with the city clerk within six months from the date of the last publication thereof, or of posting the same.

**HOW JUDGMENTS AGAINST CITY SHALL BE PAID.**

**SEC. 11.** Whenever any judgment or decree of any court shall be rendered or decreed against the city, and the city shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the council of the city to issue the bonds of the city to an amount not exceeding the sum of the judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such time and place and at such rate of interest, not exceeding six per cent per annum, as shall be prescribed by the council, and such bonds shall be sold and disposed of at not less than par value, in such manner as may be deemed advisable by the council.

This act is ordered to take immediate effect.

Approved April 3, 1903.

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[No. 403.]

**AN ACT** to legalize the action of the electors of Friendship township, Emmet county, in voting to reimburse David Kaylor, late treasurer of said township, for moneys lost by him, and to authorize such reimbursement.

*The People of the State of Michigan enact:*

**SECTION 1.** The action of the electors of the township of Friendship, Emmet county, Michigan, taken on the first day <sup>Action of</sup> ~~electors legal-~~ <sup>ized.</sup> of April, nineteen hundred one, in voting to reimburse David Kaylor, late treasurer of said township, to the amount of four hundred and thirty-five dollars, that being the amount of

money lost by said Kaylor in the year eighteen hundred eighty-three through the default of the county treasurer of said Emmet county, is hereby ratified and declared legal and binding upon said township.

**Who to provide for payment.**

SEC. 2. The board of supervisors of said county are hereby authorized, at their next annual meeting, to direct the spreading of the said sum of four hundred and thirty-five dollars on the tax roll of said township of Friendship, the said sum, when collected, to be paid to the said David Kaylor, to reimburse him as aforesaid.

This act is ordered to take immediate effect.

Approved April 3, 1903.

[No. 404.]

AN ACT to amend sections one, three and eight of act number four hundred twenty-six of the local acts of one thousand eight hundred sixty-nine, approved April third, one thousand eight hundred sixty-nine, entitled "An act to incorporate the board of education of the city of Saginaw," and the several acts amendatory thereto.

*The People of the State of Michigan enact:*

**Sections amended.**

SECTION 1. Sections one, three and eight of act number four hundred twenty-six of the local acts of one thousand eight hundred sixty-nine, approved April third, one thousand eight hundred sixty-nine, entitled "An act to incorporate the board of education of the city of Saginaw," and the several acts amendatory thereto, are hereby amended so as to read as follows:

**School inspectors, when elected, term of office.**

SECTION 1. The eastern taxing district of the city of Saginaw shall constitute one school district from and after this act takes effect. The school inspectors of said school district after the fourth day of July, A. D. nineteen hundred three, shall hold their office as members at large, and discharge all the duties thereof and of the said board until the third Monday of July, A. D. nineteen hundred three. At the biennial spring election in April, nineteen hundred three, the second, fourth, sixth, eighth, tenth and twelfth wards, and at each second biennial city election held in April in said city thereafter, there shall be elected in each of the even numbered wards of said district one school inspector for the term of four years. At the biennial spring election in April, nineteen hundred three, the first, third, fifth, seventh, ninth and eleventh wards of said district shall each elect one school inspector for the period of two years, and at the biennial spring election in April, nineteen hundred five, and at each second biennial city election held in April in said city thereafter there shall be elected in the first, third, fifth, seventh, ninth and eleventh

wards of said district one school inspector for the term of four years. The term of office of the members of said board of education after the third Monday of July, nineteen hundred three, shall commence on the third Monday of July, after the biennial city election in April, at which he was elected: **Provided**, That the members elect of said board shall file an acceptance and oath of office with the city clerk, as required of other city officers. In case of vacancy in said office of school inspector, the said board of education shall elect by ballot, some suitable person to fill said vacancy until the time for the next general city election, and until his successor shall qualify. At the following biennial city election some suitable elector shall be elected to fill such vacancy for the unexpired term, who shall enter upon the duties of his office upon qualifying.

SEC. 3. Each school inspector of the board of education, from and after the third Monday in July, nineteen hundred three, shall receive as compensation for his services the sum of three dollars for each and every meeting of the board at which he is in actual attendance. **Compensation.**

SEC. 8. Said board shall have power and authority to establish and maintain a high school with a manual training department in connection therewith in said district and to appoint a superintendent of the public schools of said district and such assistants and teachers as may be necessary, with such salary and such powers and duties as shall be prescribed by the said board. And said board shall have power and authority to accept and use gifts of any nature which in the judgment of the board are calculated to further the interests of education in said eastern taxing district. Teachers and all other employes employed by said board shall receive their salary bi-weekly. **Board may establish high school.** **Appoint superintendent.**

This act is ordered to take immediate effect.

Approved April 3, 1903.

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[No. 405.]

**AN ACT** to authorize the township clerk of the township of Niles, county of Berrien, to keep and maintain the township clerk's office in the city of Niles in said county of Berrien, State of Michigan.

*The People of the State of Michigan enact:*

SECTION 1. The township clerk of the township of Niles, in the county of Berrien, is hereby authorized and empowered to keep and maintain the township clerk's office in the city of Niles in said county, and that all papers filed and business transacted by said township clerk, in said office, is hereby declared legal and shall have the same force and effect as if the said clerk's **Township clerk may have office in city.**

office was kept within the township of Niles, Berrien county, State of Michigan.

This act is ordered to take immediate effect.

Became a law April 3, 1903, without the signature of the Governor.

[No. 406.]

AN ACT to authorize school district number twelve of the township of Ecorse, county of Wayne, and State of Michigan, to borrow money and issue bonds therefor in the sum of ten thousand dollars, to be used in the erection of a school building or school buildings in said district, and furnishing the same, and in the purchase of a site or sites therefor.

*The People of the State of Michigan enact:*

**Bond issue by  
school dis-  
trict.**

SECTION 1. That school district number twelve of the township of Ecorse, county of Wayne, and State of Michigan, be and is hereby authorized and empowered, to borrow on the faith and credit of said school district, a sum of money, not to exceed ten thousand dollars, for a term not exceeding thirty years from date of issue, at a rate of interest not exceeding five per cent per annum, payable semi-annually, at such place or places as the board of trustees of said school district may determine, and to issue the bonds of said district therefor, in such denominations as the said board of trustees may, by a majority vote of all the members thereof elect, determine: Provided, however, That no such bond shall be sold for less than par value: And provided further, That no bonds shall be issued or money borrowed for the purpose of the construction of said school building or school buildings, and for the furnishing of the same, or the purchase of a site or sites therefor, until the question of borrowing such sum of money and issuing of such bonds therefor, shall be first submitted to a vote of the electors of said school district qualified under the laws of the State of Michigan, to vote on questions which directly involve the raising of money by tax for said school district, present at an annual or special meeting, appointed and called by the board of trustees of said school district for the purpose of voting thereon, and unless the borrowing of such sum of money and the issue of said bonds therefor shall be authorized by the affirmative vote of a majority of such qualified electors, voting upon said proposition at such meeting.

**When trus-  
tees may sub-  
mit question.**

SEC. 2. The board of trustees of said district, may submit the question of making such loan and issuing said bonds to the electors mentioned in section one of this act, at any annual meeting of said district, or at any special meeting called by said board for the purpose of voting on such proposition.

and public notice of such meeting, which shall contain the statement of the time, place and object thereof, shall be given by said board of trustees, by causing copies of such notice to be posted in at least five public places in said district, not less than six days before the time of such meeting.

SEC. 3. At such annual meeting, or at the special meeting provided for in section two of this act, at which the proposition of issuing said bonds may be submitted to the electors of said district, the moderator, director and treasurer (formerly called assessor), of said school district, shall constitute a board of inspectors, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open for two hours after the time fixed for the meeting in the notices thereof. The vote upon such proposition shall be by ballot, either printed or written, or partly printed or partly written, and the proposition shall be stated upon such ballots in the following form: "For borrowing the sum of ten thousand dollars and issuing the bonds of school district number twelve of the township of Ecorse, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum, and for not to exceed thirty years, to be used in the erection of a school building or school buildings in said district, and furnishing the same, and in the purchase of a site or sites therefor". . . . . Yes. [ ]

And "For borrowing the sum of ten thousand dollars and issuing the bonds of school district number twelve of the township of Ecorse, Wayne county, Michigan, therefor, at not to exceed five per cent interest per annum, and for not to exceed thirty years, to be used in the erection of a school building or school buildings in said district and furnishing the same, and in the purchase of a site or sites therefor". . . . . No. [ ]

And the ballots shall be deposited in a separate ballot box provided for the purpose. At the closing of the polls the inspectors shall canvass the ballots and publicly declare the result thereof, and record the same in the school district records.

SEC. 4. If at such meeting a majority of such qualified electors present thereat and voting upon such proposition, shall vote in favor of such loan and issuing said bonds therefor, the board of trustees of said district shall thereupon be authorized to borrow not to exceed the sum of ten thousand dollars, and to issue the bonds of said district therefor, which bonds shall be executed in such proper form and by such officers of the board as the board of trustees of said district shall direct, and the said bonds may be disposed of from time to time in such quantities as such board of trustees may deem necessary.

SEC. 5. The money borrowed under the provisions of this act shall be applied as follows, viz.: To the construction and erection of a school building or school buildings, and for the furnishing of the same for the use of said school district, and for the purchase of a school site or sites therefor, to be located in such place or places in said school district as the board of

Who to constitute board of inspectors.

Vote to be by ballot.

Form of ballot.

When bonds may be issued.

trustees of said district may determine, and for no other purpose.

**Tax for, how raised.** SEC. 6. It shall be the duty of said board of trustees of school district number twelve of the township of Ecorse, to provide by tax upon all the taxable property in said school district, or from any fund it may have on hand and not otherwise appropriated, for the payment of said sum of ten thousand dollars, and interest, upon all bonds issued under authority of this act, and the board of trustees of said school district is hereby authorized to raise by tax in each year, in addition to all other school taxes, a sum sufficient to provide for the payment of the interest on said bonds.

**Application of act.** SEC. 7. It is the intent and purpose of this act to enable and empower the said school district number twelve to raise and realize the sum of ten thousand dollars, over and above and in addition to all sums which said district may borrow and become indebted for under the general statutes of the State, relative to the indebtedness of school districts, and this act shall not be construed to limit or impair the power and authority which said school district may have under the said general statutes of the State to borrow money and become indebted therefor, and all sections of the general school law of this State inconsistent with the provisions of this act are, and the same shall be inoperative as to said district, but all sections of the general school law of this State not inconsistent with the provisions of this act, are and the same shall be and remain in full force in said district.

This act is ordered to take immediate effect.

Approved April 9, 1903.

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[No. 407.]

AN ACT to authorize the county of Ontonagon to construct or purchase, own and maintain one or more hospitals, pest houses or quarantine buildings, and to provide the means for constructing or purchasing, maintaining and managing the same.

*The People of the State of Michigan enact:*

**County may establish hospitals, etc.**

SECTION 1. The said county of Ontonagon is hereby authorized and empowered to purchase the necessary lands and erect thereon, or otherwise provide one or more hospitals, pest houses or quarantine buildings, within the limits of said county, and to provide for the appointment of a physician, attendants and the necessary officers and other employees, for the care and management thereof, for the care and treatment therein of such sick and diseased persons as the board of supervisors of the county of Ontonagon shall deem proper and to

fix the compensation of such employees, and by the direction of <sup>Care of patients.</sup> the said board of supervisors or the county physician, persons having any malignant, infectious or contagious disease, or who have been exposed to any such disease, may be removed to such hospital, pest house or quarantine buildings, and there detained and treated, when the public safety may so require; and the said board of supervisors may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital, pest house or quarantine buildings, until duly discharged.

SEC. 2. The said board of supervisors shall also have, and exercise within and for the county, all the powers and authority conferred upon boards of health by chapter forty-six of the Compiled Laws of eighteen hundred seventy-one, and all amendments thereto, being chapter thirty-nine of Howell's Annotated Statutes of the State of Michigan, so far as the same are applicable and consistent with this act, and they may enact such rules and regulations as may be proper for regulating the proceedings and mode of exercising such powers and authority.

<sup>Board of supervisors to have same powers as board of health.</sup>

This act is ordered to take immediate effect.

Approved April 9, 1903.

[No. 408.]

AN ACT to amend an act, entitled "An act to incorporate the City of Ionia," being act two hundred nineteen of the laws of Michigan of eighteen hundred seventy-three, as amended by the several acts amendatory thereof, by adding one new section thereto, to stand as section one hundred twenty-seven.

*The People of the State of Michigan enact:*

SECTION 1. An act, entitled "An act to incorporate the <sup>Act amended.</sup> city of Ionia," being act two hundred nineteen of the laws of Michigan of eighteen hundred seventy-three, as amended by the several acts amendatory thereof, is hereby amended by adding one new section thereto, to stand as section one hundred twenty-seven, and which said section so added shall read as follows:

SEC. 127. The library provided for in the foregoing provisions of the charter of the city of Ionia, shall hereafter be entitled to its proportion of all fines for any breach of the penal laws of this State and for penalties, or upon any recognizance in criminal proceedings, and all equivalents for exemptions from military duty when collected in the county of Ionia and paid into the county treasury, together with its proportion of all moneys heretofore collected and paid into

<sup>Library entitled to certain moneys.</sup>

Apportion-  
ment of.

said county treasury on account of such fines or equivalents, and not already apportioned, which money shall be apportioned by the county treasurer pro rata between the several townships of Ionia county and said city, except that in ascertaining the proportionate share of such moneys to which the said city shall be entitled, the basis of such apportionment shall be as the number of pupils returned by the school district known as "The Public School for the City of Ionia," between the ages of five and twenty years, shall bear to the whole number of pupils returned in the county. The money so apportioned to the city of Ionia, shall be by the county treasurer paid to the city treasurer of the city of Ionia, and when so received by the city treasurer, shall be exclusively applied for the support of the said city library, and for no other purpose. All acts and parts of acts affecting the apportionment of library moneys in the city of Ionia, or the school district known as "The Public Schools of the City of Ionia," in any way contravening the provisions [of] this act, are hereby repealed.

Repealing  
clause.

This act is ordered to take immediate effect.

Approved April 9, 1903.

[No. 409.]

AN ACT to provide for a sinking fund to pay the indebtedness of the county of Wayne, and to establish a board of commissioners of such fund, and to repeal act number three hundred eighty-four of the local acts of nineteen hundred one.

*The People of the State of Michigan enact:*

Amount audit-  
ors to place in  
sinking fund  
yearly.

SECTION 1. At the annual meeting of the board of supervisors of the county of Wayne, in October one thousand nine hundred and three, and each year thereafter until the bonds issued by the county of Wayne to purchase a site and erect a county building thereon shall all be paid and cancelled or the amount in the sinking fund provided for in this act shall equal the total outstanding funded debt of the county of Wayne, the board of auditors of said county shall include in the estimates for the ensuing year a sum not less than thirty thousand dollars to be placed in a sinking fund for the purchase, payment and retirement of said bonds. It shall be the duty of the board of supervisors to cause not less than thirty thousand dollars to be placed on the tax rolls of said county and raised by general taxation for such purpose in the same manner as other sums are raised by general taxation. Nothing herein shall be construed to be a limitation upon the power of the board of supervisors to make such other and further provisions for the payment of said bonds as it may determine to be necessary or expedient.

Supervisors  
to raise tax  
for.

**SEC. 2.** The judge of probate, the county treasurer and the three members of the board of auditors of Wayne county, and their respective successors in office shall constitute a board of commissioners of the Wayne county sinking fund. Who to constitute board of sinking fund commissioners.  
The persons holding such offices at the time this act takes effect shall meet at the office of the board of auditors of Wayne county at ten o'clock on the second Monday after this act takes effect, and notice of such meeting shall be given to each of the members of said board of commissioners by the clerk of the board of auditors. Thereafter they shall meet from time to time upon the call of the chairman, or of any two members of said board of commissioners for the transaction of business and they may adopt rules of procedure at their meetings. The judge of probate shall be chairman of such board of commissioners and shall preside at all meetings. In his absence the chairman of the board of auditors shall preside. The clerk of the board of auditors shall act as the clerk of said board of commissioners, and shall keep a record of all the proceedings of said board of commissioners. A majority of the whole board shall constitute a quorum for the transaction of business, but they shall not purchase any of the bonds of the county, or invest any of the moneys belonging to the sinking fund, or change the depository of the moneys belonging to the sinking fund, except under a resolution for that purpose passed and approved by the affirmative vote of a majority of the whole board at a meeting regularly called, and by yeas and nays to be entered of record. When to meet. Officers of. Quorum.

**SEC. 3.** Immediately upon the first meeting of said board of commissioners as provided in section two of this act, all the moneys, accounts in banks and trust companies, and all securities and property of every kind belonging to the sinking fund of the county of Wayne, shall, by virtue of this act, be transferred to, and become the property of the said board of commissioners, and all sums included for sinking fund purposes in any tax levy heretofore made, whether the same shall have been transferred to the sinking fund when this act takes effect or not, shall, when collected, become a part of said sinking fund and be paid over to said board of commissioners, and all future additions to the sinking fund, whether arising under the provisions of section one of this act, or under the provisions of any law heretofore or hereafter enacted, or from income upon investments of such fund, shall be the property of said board, all to be held for the payment and retirement of the principal of the funded indebtedness of the county of Wayne and for no other purpose. Money in sinking fund controlled by board.

**SEC. 4.** The county treasurer shall act as the treasurer of said board of commissioners and shall pay out the moneys of said sinking fund only under a resolution of said board adopted by a majority of all the members of said board by a yea and nay vote to be entered in its record, and upon a warrant signed by the chairman of said board of commissioners and the chairman of the board of auditors; and all the bonds and other evidence of value belonging to said board of com-

Who to be treasurer, duties, etc.

missioners shall at all times be kept in some safety deposit vault in a suitable receptacle so constructed that it cannot be opened without the use of three dissimilar keys, and one of such keys shall at all times be in the custody of the chairman of said board of commissioners, one of them in the custody of the county treasurer, and one of them in the custody of the chairman of the board of auditors, and said receptacle shall only be opened in the presence of at least three of said commissioners.

**When board  
may purchase  
outstanding  
bonds.**

SEC. 5. From time to time as they shall have funds available therefor, and shall be able to do so to advantage, said board of commissioners shall purchase the outstanding bonds of the county of Wayne upon the best terms obtainable, and such bonds so purchased shall not be deemed to be paid or cancelled by such purchase but shall become the property of said board of commissioners, and unless said board of commissioners shall re-sell such bonds under the provisions of section six of this act the interest thereon shall be regularly paid to said board and added to said sinking fund until the maturity of said bonds, or until the amount in said sinking fund shall equal all the outstanding funded indebtedness of said county of Wayne. Immediately upon the purchase of any such bonds said board of commissioners shall make and file with the board of auditors a certificate describing the bonds so purchased and the date of such purchase.

**When board  
may sell  
securities.**

SEC. 6. If, in order to pay at maturity any of the bonds of said county of Wayne, it shall be necessary to convert into cash any of the bonds, investments or securities held by said board of commissioners, said board shall have power to re-sell any of the bonds of said county of Wayne owned and held by said board which mature at a later date than those for the payment of which funds are to be provided by such re-sale, provided that such re-sale shall only be made by the unanimous consent of all the members of said board of commissioners to be entered upon its records and signed by all its members, and shall not be made more than six months before the maturity of the bonds for the payment of which funds are so to be provided. When any of the bonds of the county of Wayne have been so re-sold the said board of commissioners shall file with the board of auditors a certificate describing the bonds sold with the date of such sale.

**How board  
may invest  
moneys.**

SEC. 7. Said board of commissioners shall have power, whenever it is not possible to purchase outstanding bonds of said county of Wayne on terms by them deemed to be advantageous, to invest the moneys in said sinking fund in the bonds of the United States, or of the State of Michigan, or in the public debt or bonds of any city, county, township, village or school district of the State of Michigan which shall have been authorized by the Legislature of said State, provided the total indebtedness of such city, county, township, village or school district does not exceed five per cent of its assessed valuation. All income derived from such investments shall become a part of said sinking fund. Said board shall have power to re-sell

any of the bonds purchased under the authority of this section upon the unanimous consent of all the members of said board of commissioners to be entered upon its records and signed by all the members of said board of commissioners to be entered upon its record and signed by all its members. Every bond or evidence of value purchased by said board of commissioners shall immediately, upon its purchase, be stamped or indorsed by the county treasurer with the following words: "This bond is the property of the board of commissioners of the Wayne county sinking fund, and is not transferable without the written consent of the board of commissioners; attested by the chairman of the commission, the chairman of the board of auditors and the county treasurer indorsed thereon.

Bonds, how endorsed.

SEC. 8. Said board of commissioners shall have power to deposit money belonging to said sinking fund in one or more banks or trust companies pending investment thereof, and to contract with such banks or trust companies for the payment of interest upon such deposits. And they shall require of any bank or trust company receiving such deposits a bond in appropriate amount with sufficient sureties to be approved by said board of commissioners conditioned for the repayment on demand of such deposits. All interest received from such deposits shall become a part of said sinking fund.

Depositing of money by board.

SEC. 9. Not less than three months before the maturity of any of the bonds of the county of Wayne, it shall be the duty of the board of auditors to prepare and file with said board of commissioners a certificate showing the number and amount of such bonds not belonging to said board of commissioners, and the time when the same become due, and showing also the amount necessary to be provided out of the sinking fund for the payment of the principal of such maturing bonds not the property of said board of commissioners; and thereupon it shall be the duty of said board of commissioners to provide out of said sinking fund, and before the maturity of said bonds to pay over to the county treasurer the sum so specified in said certificate, or so much thereof as can be provided by the conversion of all the bonds, investments and securities in said sinking fund other than the bonds of the county of Wayne maturing at the time mentioned in the said certificate. And upon payment to the said board of commissioners of the interest to maturity upon any of the bonds of said county of Wayne held by said board, it shall be the duty of said board to surrender up to be cancelled said bonds, with the coupons for interest so paid.

Certificate showing maturity of bonds, by whom and with whom filed.

SEC. 10. At any time when the sinking fund shall equal the amount of the funded indebtedness of the county of Wayne, it shall be the duty of the board of commissioners to acquire by purchase the outstanding bonds of said county of Wayne as rapidly as the same can be acquired upon such terms as shall not reduce the amount of such sinking fund below the amount of such funded debts, and when all the outstanding indebtedness of the county of Wayne shall have been acquired by said

When board to purchase outstanding bonds.

board of commissioners the same shall be surrendered to and cancelled by said board of commissioners.

**Board to serve without compensation.**

SEC. 11. Neither the clerk of the board of auditors, nor any member of said board of commissioners, shall, for the performance of any of the duties prescribed in this act, receive any compensation other than that which they severally receive as judge of probate, county treasurer, member of the board of auditors and clerk of the board of auditors of Wayne county.

**Penalty for wrongful use of funds.**

SEC. 12. No member of said board, or other person, shall direct, or shall permit any part of the said sinking fund to be used for any purpose or in any manner other than those specified in this act, and any person who shall knowingly violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment for a period not exceeding ten years, or both, in the discretion of the court.

**Board to make report.**

SEC. 13. Said board of commissioners shall during the month of January in each year submit to the board of supervisors of Wayne county a complete detailed report of their doings for the previous year.

**Treasurer to give bonds.**

SEC. 14. The treasurer of said board of commissioners shall before receiving any funds under the provisions of this act furnish a surety company bond to said board in a penal sum to be determined by the judges of the circuit court for the said county of Wayne, the expenses of said bond to be paid for by the county of Wayne.

**Act repealed.**

SEC. 15. Act number three hundred eighty-four of the Local Acts of the year one thousand nine hundred and one, entitled "An act to provide a sinking fund to pay the bonded indebtedness of Wayne county," is hereby repealed.

This act is ordered to take immediate effect.

Approved April 9, 1903.

[No. 410.]

AN ACT to authorize the city of Onaway, in the county of Presque Isle, to raise by bonding said city of Onaway a sum not exceeding twenty thousand dollars, for the purpose of extending and completing the system of water-works in said city.

*The People of the State of Michigan enact:*

**Bond issue by city.**

SECTION 1. The city of Onaway, in the county of Presque Isle, is hereby authorized and empowered to borrow money, on the faith and credit of said city, and issue bonds therefor, to any amount, not exceeding twenty thousand dollars, to be expended in extending and completing the system of water-works in said city, and erecting all necessary buildings, laying all necessary pipes, and purchasing all necessary machinery!

**Money, how expended.**

ich other labor and materials as shall be necessary for tension and completion of said water-works: Provided, <sup>Proviso.</sup> a majority of the electors of said city voting on such question at a regular or special election held in accordance with the provisions of this act, shall vote in favor of said proposition and not otherwise.

2. The question of raising said money shall be submitted by the city council to the electors of said city at any time specified in this act, and the vote shall be taken as may be in accordance with the provisions of act number one hundred fifteen of the Public Acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-fourth, eighteen hundred ninety-five. The city council shall have power to order a special election or submit said question at any regular election hereafter to be held, when it may, in the opinion of the city council, be deemed necessary to carry out the provisions of this act.

3. The vote upon such proposition shall be by printed ballot. <sup>Form of ballot.</sup>

or bonding the city of Onaway for the extension and completion of the system of water-works—Yes. [ ]

or bonding the city of Onaway for the extension and completion of the system of water-works—No. [ ]

Election, how conducted.  
An election shall be conducted and the votes thereat can be in all respects as in other city elections and immediately upon the conclusion of such canvass the inspectors make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against it. Said inspectors shall endorse upon such certificate declaration of the result of such election, which certificate and declaration shall then be filed with the clerk of said city.

4. If such loan shall be authorized by a majority of the electors voting on such proposition at such election, bonds may be issued. <sup>When bonds may be issued.</sup>  
to be issued in such sums, not exceeding in all the sum of one thousand dollars and payable at such times and at such rate of interest, not exceeding six per cent per annum, the city council may by resolution direct, and such bonds be signed by the mayor of said city and countersigned by the clerk of said city, and negotiated by and under the direction of the city council for a sum not less [than] the par value of the bonds, and the money arising therefrom, shall, under the direction of the city council, be applied for the purpose for which said money was raised and for no other purpose, and the city council shall have the power, and it shall be their duty to raise by tax upon the taxable property of said city sum or sums as shall be sufficient to pay said bonds and interest thereon when the same shall become due.

This act is ordered to take immediate effect.

Approved April 9, 1903.

## [No. 411.]

AN ACT to detach certain territory from the village of Wakefield, in the county of Gogebic, and to attach the same to the township of Wakefield, in said county.

*The People of the State of Michigan enact:*

Description  
of territory.

SECTION 1. All that territory now included within the corporate limits of the village of Wakefield, in Gogebic county, known and described as follows, to wit: The east half of the southeast quarter of the southeast quarter of section nine, in township forty-seven north of range forty-five west, is hereby detached from the village of Wakefield, in the said county of Gogebic, and the same shall be and is hereby attached to the township of Wakefield in the county aforesaid.

Not relieved  
from indebt-  
edness.

SEC. 2. The territory hereby detached shall not be relieved in any manner from its just share and proportion of the present indebtedness of the said village of Wakefield, together with the interest thereon, and said indebtedness, if any, shall be apportioned, levied, collected and paid in accordance with the provisions of law.

This act is ordered to take immediate effect.

Approved April 9, 1903.

## [No. 412.]

AN ACT to amend section three of house enrolled act number forty-two of the Local Acts of nineteen hundred three, entitled "An act to divide the township of Hudson in the county of Lenawee into two election districts."

Section  
amended.

*The People of the State of Michigan enact:*

SECTION 1. Section three of house enrolled act number forty-two of the Local Acts of nineteen hundred three, entitled "An act to divide the township of Hudson in the county of Lenawee into two election districts," is hereby amended so as to read as follows:

Township  
meetings,  
where held.

SEC. 3. All meetings of said township for the purpose of transacting any business by viva voce vote shall be held at the place of election of district number one at or near the center of said township or at such other place as the township board shall direct.

This act is ordered to take immediate effect.

Approved April 9, 1903.

## [No. 413.]

**A**CT to amend section ninety-one of act number three hundred twenty-one of the Local Acts of eighteen hundred ninety-seven, entitled "An act to amend and revise the charter of the city of Adrian."

*The People of the State of Michigan enact:*

SECTION 1. Section ninety-one of act number three hundred twenty-one of the Local Acts of eighteen hundred ninety-seven, entitled "An act to amend and revise the charter of the city of Adrian," is hereby amended so as to read as follows:

SEC. 91. The mayor and aldermen may each receive such salary, not exceeding fifty dollars per year, as may be prescribed by the council. All other officers of said corporation shall receive such compensation for their services as the city council shall prescribe, except where the same is fixed by this act, or is or shall be prescribed by other statutes of this State: provided, That the city marshal shall not receive more than eight hundred dollars. And such salary shall be in full for all services rendered by him in the performance of any of the duties of his office in any one year. Said city marshal shall not, during the term of his office as marshal, hold the office of constable, or be appointed to any other office under the charter or ordinances of said city. The city clerk shall not receive more than the sum of twelve hundred dollars for his services in any one year, which shall be in full for all services performed by him in the discharge of his office, and in full for the services of any deputy, all clerk hire, or other assistance required in the performance of the duties of his office. The city treasurer shall not receive more than the sum of one thousand dollars for his services for any one year, which shall be in full for all services performed by him in the discharge of the duties of his office, and in full for the services of any deputy or clerk hire. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, shall not exceed the sum of one hundred fifty dollars each, as may be determined by resolution of the city council of said city, for each official year. For all services performed for and to be paid for by the county they shall receive the same fees as supervisors of townships.

Section  
amended.

Salary of  
officers.

This act is ordered to take immediate effect.

Approved April 9, 1903.

## [No. 414.]

AN ACT to authorize the board of education of the public schools of the township of Ontonagon, in the county of Ontonagon, to pay out of the funds of said public schools the sum of nine hundred dollars to Charles F. Eichen.

*The People of the State of Michigan enact:*

*May pay cer-  
tain amount.*

SECTION 1. The board of education of the public schools of the township of Ontonagon, in the county of Ontonagon, is hereby authorized to pay to Charles F. Eichen the sum of nine hundred dollars out of the funds of said public schools.

This act is ordered to take immediate effect.

Became a law April 15, 1903, without the signature of the governor.

## [No. 415.]

AN ACT to regulate the levy and collection of special assessments to defray the cost of opening streets in the city of Detroit in cases where land has been deeded or dedicated for a part of such streets.

*The People of the State of Michigan enact:*

*When certain  
amount cred-  
ited on assess-  
ment.*

SECTION 1. Whenever any person shall deed or dedicate land to the city of Detroit for a street or part of a street for the use and benefit of the public, and the same shall be duly accepted by the proper authorities, then said authorities shall at the time of such acceptance ascertain the last assessed value of the land so deeded or dedicated according to the area and certify or cause to be certified the same upon the plat, deed or instrument containing the dedication; and thereafter whenever the remaining property of the dedicant which abuts on the land so deeded or dedicated shall be assessed to defray the cost of extending or widening the street for which said land was deeded or dedicated, there shall be credited upon said assessment an amount equal to the certified assessed value of the land so deeded or dedicated.

This act is ordered to take immediate effect.

Approved April 15, 1903.

and such other labor and materials as shall be necessary for the extension and completion of said water-works: Provided, *Proviso.*  
That a majority of the electors of said city voting on such proposition at a regular or special election held in accordance with the provisions of this act, shall vote in favor of said loan and not otherwise.

SEC. 2. The question of raising said money shall be submitted by the city council to the electors of said city at any election specified in this act, and the vote shall be taken as near as may be in accordance with the provisions of act number two hundred fifteen of the Public Acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seventh, eighteen hundred ninety-five. The city council shall have the power to order a special election or submit said question at any regular election hereafter to be held, when it may, by the city council, be deemed necessary to carry out the provisions of this act.

SEC. 3. The vote upon such proposition shall be by printed ballot in the following words:

"For bonding the city of Onaway for the extension and completion of the system of water-works—Yes. [ ]"

"For bonding the city of Onaway for the extension and completion of the system of water-works—No. [ ]"

Said election shall be conducted and the votes thereat canvassed in all respects as in other city elections and immediately upon the conclusion of such canvass the inspectors shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against it. Said inspectors shall endorse upon such certificate a declaration of the result of such election, which certificate and declaration shall then be filed with the clerk of said city.

SEC. 4. If such loan shall be authorized by a majority of the electors voting on such proposition at such election, bonds may be issued in such sums, not exceeding in all the sum of twenty thousand dollars and payable at such times and at such rate of interest, not exceeding six per cent per annum, as the city council may by resolution direct, and such bonds shall be signed by the mayor of said city and countersigned by the clerk of said city, and negotiated by and under the direction of the city council for a sum not less [than] the par value thereof, and the money arising therefrom, shall, under the direction of the city council, be applied for the purpose for which said money was raised and for no other purpose, and said city council shall have the power, and it shall be their duty to raise by tax upon the taxable property of said city such sum or sums as shall be sufficient to pay said bonds and the interest thereon when the same shall become due.

This act is ordered to take immediate effect.

Approved April 9, 1903.

General law  
to apply.

SEC. 11. In all other respects not specially provided for in this act the said registration and election shall be governed by the general registration and election laws of cities of the fourth class of this State.

Repealing  
clause.

SEC. 12. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 16, 1903.

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[No. 417.]

AN ACT to amend an act entitled "An act to reincorporate the city of Menominee, to provide for the election and appointment of officers therein, and to repeal act number two hundred and twenty-eight of the Session Laws of one thousand eight hundred and eighty-three, entitled 'An act to incorporate the city of Menominee,' and to repeal act number two hundred and eighty-one of the Session Laws of one thousand eight hundred and ninety-one, entitled 'An act to revise and amend the charter of the city of Menominee,' being act two hundred and twenty-eight of the Session Laws of one thousand eight hundred and eighty-three, entitled 'An act to incorporate the city of Menominee,' approved April nine, one thousand eight hundred and ninety-one, and all amendments thereto," approved May twenty-two, one thousand nine hundred and one.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. That section one of title five of said act be and the same hereby is amended so as to read as follows:

Officers to be  
elected at  
annual elec-  
tion, term of  
office, etc.

SECTION 1. At each annual election hereafter held in said city there shall be elected on the city ticket by the qualified voters of the whole city, a mayor and a city treasurer who shall hold their office for one year, but no person shall be eligible for the office of city treasurer for more than two consecutive years. The justices of the peace now existing in said city shall hold their office until the term for which they were elected shall have expired; and thereafter there shall be elected annually one justice of the peace so that there shall be four justices in said city. There shall be elected in each ward at each annual election hereafter held, one alderman for the term of two years and one supervisor for the term of one year. The officers elected under the provisions of this section, except the assessor hereinafter provided for, shall enter upon the duties of their office on the second Monday in April of each year when elected and hold the same for the term of one year and until their successors are qualified and enter upon the duties of their office except as herein otherwise provided. At the annual city election to be held in said city on the first Mon-

## [No. 413.]

AN ACT to amend section ninety-one of act number three hundred twenty-one of the Local Acts of eighteen hundred ninety-seven, entitled "An act to amend and revise the charter of the city of Adrian."

*The People of the State of Michigan enact:*

SECTION 1. Section ninety-one of act number three hundred twenty-one of the Local Acts of eighteen hundred ninety-seven, entitled "An act to amend and revise the charter of the city of Adrian," is hereby amended so as to read as follows:

SEC. 91. The mayor and aldermen may each receive such salary, not exceeding fifty dollars per year, as may be prescribed by the council. All other officers of said corporation shall receive such compensation for their services as the city council shall prescribe, except where the same is fixed by this act, or is or shall be prescribed by other statutes of this State: Provided, That the city marshal shall not receive more than eight hundred dollars. And such salary shall be in full for all services rendered by him in the performance of any of the duties of his office in any one year. Said city marshal shall not, during the term of his office as marshal, hold the office of constable, or be appointed to any other office under the charter or ordinances of said city. The city clerk shall not receive more than the sum of twelve hundred dollars for his services in any one year, which shall be in full for all services performed by him in the discharge of his office, and in full for the services of any deputy, all clerk hire, or other assistance required in the performance of the duties of his office. The city treasurer shall not receive more than the sum of one thousand dollars for his services for any one year, which shall be in full for all services performed by him in the discharge of the duties of his office, and in full for the services of any deputy or clerk hire. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, shall not exceed the sum of one hundred fifty dollars each, as may be determined by resolution of the city council of said city, for each official year. For all services performed for and to be paid for by the county they shall receive the same fees as supervisors of townships.

This act is ordered to take immediate effect.

Approved April 9, 1903.

Section  
amended.

Salary of  
officers.

of the corporation, and he shall publish in a newspaper, printed in the city, all ordinances passed by the council.

SEC. 4. That section eleven of title fourteen of said act be and the same hereby is amended so as to read as follows:

**Relative to streets.**

SEC. 11. The council shall have power to grade, pave, repave, plank, gravel, curb, and otherwise improve, repair and clean the streets and alleys of said city. The cost and expense of repairing and cleaning any street shall be paid out of the general street fund. The term paving shall be deemed to include the construction of crosswalks, gutters and curbing.

SEC. 5. That section twelve of title fourteen of said act be and the same hereby is amended so as to read as follows:

**Relative to paving, etc., of streets where railway companies have tracks.**

SEC. 12. Fifty per cent of the cost and expense of improving any street by grading, paving, repaving, planking, graveling, curbing or otherwise, or so much of any street, upon which any street railway company has a track or tracks, as, under the terms and conditions of the ordinance or ordinances of the city granting consent to such company to own, maintain and use a street railway for the transportation of passengers in and upon the line of said street, is not required to be so improved by such company, shall be paid from the general street fund, and the remainder, exclusive of the cost of street and alley intersections, the whole cost and expense whereof shall be borne by the city at large and paid for out of the general street fund, shall be defrayed by special assessment upon lots and premises included in a special assessment district to be constituted of the lands fronting upon that part of the street so improved, or proposed so to be. In a case where a side street or alley merely opens upon, and does not extend across the street to be so improved, as aforesaid, the space formed by extending the lines of the former street or alley to the middle of the latter street shall, for the purposes of this act, be treated as the area of a street intersection. Provided, however, That in respect to the lands of the city fronting upon any street so improved, or proposed so to be, the amount of the cost and expense of such improvement, which would be assessed thereon in a special assessment thereof, as aforesaid, if owned by an individual, shall be paid out of the general street fund.

**Proviso.**

SEC. 6. That section thirteen of title fourteen of said act be and the same hereby is amended so as to read as follows:

**Paving, etc., of alleys.**

SEC. 13. Such part of the expenses of improving any alley, by grading, paving, repaving, planking, graveling, curbing, or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessment upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the alley so improved, or proposed so to be; or constituted of the lands fronting upon such improvement and such other lands as, in the opinion of the council, may be benefited by the improvement.

## [No. 416.]

**AN ACT** to provide for the registration of electors and for the manner of holding elections in the city of Au Sable, in the county of Iosco.

*The People of the State of Michigan enact:*

SECTION 1. The board of registration of the city of Au Sable shall consist of three aldermen, one from each of the wards of the said city, to be appointed by the mayor by and with the consent of the council. Registration board, of whom to consist.

SEC. 2. The said three aldermen shall constitute a board Powers. of registration for the said city, and shall have all the powers and perform the duties of boards of registration, as provided by the general registration and election laws of the State for cities of the fourth class.

SEC. 3. Said board of registration shall have possession To have charge of books. and control of the several books of registration of said city and shall keep a list of the registered voters of each ward in a separate registration book.

SEC. 4. Said board of registration shall hold its sessions Where to meet. in the city hall of said city and shall hold its sessions and open and close the same in accordance with the election and registration laws of this State for cities of the fourth class.

SEC. 5. The members of said board of registration shall Compensation. each receive the sum of two dollars per day for their services and no more.

SEC. 6. All elections in said city shall be held in the city Elections, where held. hall and there shall be but one polling place in said city for any election.

SEC. 7. The board of inspectors of election shall consist Board of inspectors, of whom to consist. of one alderman from each ward, to be appointed by the mayor by and with the consent of the council at the last regular meeting of the council before the general or special election is to take place, and two clerks to be appointed by the said board of inspectors of election on the morning of such election before the opening of the polls.

SEC. 8. The said inspectors of election shall choose one of To take oath, etc. their number as chairman of the board, and each member of said board of inspectors, including the clerks, shall take the constitutional oath of office, which either of the members of said board may administer.

SEC. 9. The said inspectors of election shall have and keep Powers and duties. at the said polling place during each election the several registration books of the several wards and the ballot boxes of each ward, and they shall keep the ballots of the electors of each ward voting at such election, in a separate ballot box and make separate returns of said election for each ward.

SEC. 10. The said board of inspectors of election shall each Compensation. receive for such service the sum of two dollars per day and no more.

act, in the cases therein provided for, or in any other case as determined by the council, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment and what part, if any, shall be appropriated from the general funds of the city, and shall designate the district or lands and premises upon which the special assessment shall be levied.

**SEC. 11.** That section four of title eighteen of said act be and the same hereby is amended so as to read as follows:

**SEC. 4.** The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of construction.

**SEC. 12.** That section seven of title eighteen of said act be and the same hereby is amended so as to read as follows:

**SEC. 7.** Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against said persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment. In all cases where the ownership of any description is unknown to the board of assessors, they shall in lieu of the name of the owner insert the name "unknown," and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such cause, be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases.

**SEC. 13.** That section eight of title eighteen of said act be and the same hereby is amended so as to read as follows:

**SEC. 8.** If the assessment is required to be according to frontage, the board of assessors shall assess to each lot or parcel of land such relative portion of the whole amount to be levied by such assessment as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefits resulting to such lot from the improvement. When the board of assessors shall have completed the assessment they shall report the same to the council; such report to be signed by the assessors, may be in the form of a certificate, endorsed on the assessment roll, as follows:

Costs of improvements,  
what to include.

When assessors to make out roll.

In case of unknown ownership.

Property, how assessed.

When assessors to report to council.

**State of Michigan,** } ss.  
**City of Menominee.**

Form of  
report.

To the Council of the City of Menominee:

We hereby certify and report that the foregoing is the special assessment roll, and the assessment made by us pursuant to a resolution of the council of said city, adopted (give date), for the purpose of paying that part of the cost which is to be paid and borne by special assessment for the (here insert the object of the assessment): That in making such assessment we have so near as may be, and according to our best judgment, conformed in all things to the directions contained in the resolutions of the council hereinbefore referred to, and the charter of the city relating to such assessments.

Dated.....

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.....

Board of Assessors.

SEC. 14. That section twelve of title eighteen of said act be and the same hereby is amended so as to read as follows:

SEC. 12. When any special assessment shall be reported by the board of assessors to the council, as in this title directed the same shall be filed in the office of the city clerk and numbered consecutively. Before adopting such assessment, the council shall cause notice to be published two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review such assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all persons interested therein, and may be in the following form:

Assessment rolls, where filed.

Notice of adoption of assessment.

#### NOTICE OF SPECIAL ASSESSMENT.

To (insert the names of the persons against whom the assessment appears), and to all persons interested, take notice: That the roll of the special assessment heretofore made by the board of assessors for the purpose of defraying that part of the cost which is to be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given that the council and board of assessors of the city of Menominee will meet at the council room in said city (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Form of notice.

Dated.....

.....City Clerk.

**Fiscal year.**

**SEC. 15.** That section one of title nineteen of said act be and the same hereby is amended so [as] to read as follows:

**SECTION 1.** The fiscal year of the city organized under this act shall commence on the third Monday of March in each year, unless otherwise provided by ordinance.

**SEC. 16.** That section three of title nineteen of said act be and the same hereby is amended so [as] to read as follows:

**SEC. 3.** The revenues raised by general tax upon all the property in the city or by loan to be repaid by such tax shall be divided into so many of the following general funds as are necessary:

**Taxes, how divided.**

First, Contingent fund—To defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made;

**Fire department.**

Second, Fire department fund—To defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

**Streets.**

Third, General street fund—To defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, repaving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof;

**Sewers.**

Fourth, General sewer fund—To defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses;

**Bridges.**

Fifth, Bridge fund—For the construction and maintenance of bridges;

**Water.**

Sixth, Water fund—For constructing, purchasing, maintaining and extending a system of water-works and for constructing reservoirs and cisterns, and providing for supplies of water;

**Public buildings.**

Seventh, Public building fund—For providing for public building, and for the purchase of lands therefor, and for the erection, preservation and repair of any such buildings, city hall, offices, library building, prisons, watch houses and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for;

**Police.**

Eighth, Police fund—For the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

Ninth, Cemetery fund:

**Cemetery.**

Tenth, Interest and Sinking fund—For the payment of the public debt of the city and the interest thereon;

**Parks.**

Eleventh, Park fund—For the purchase of grounds for public parks and for the maintenance and improvement thereof;

**Lighting.**

Twelfth, Light fund—For the construction, purchase and maintenance of electric or other lights;

**Library.**

Thirteenth, Library fund—For the purpose of maintaining a free library and reading-room in said city;

**SEC. 7.** That section two of title fifteen of said act be and the same hereby is amended so as to read as follows:

**SEC. 2.** Said city may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such water-works.

**SEC. 8.** That section four of title fifteen of said act be and the same hereby is amended so as to read as follows:

**SEC. 4.** Before any money shall be borrowed, appropriated, raised or expended for the purchase, construction or extension of water-works in said city, the council shall cause to be made an estimate of the expense thereof and the question of raising the amount required for such purpose shall be submitted to the electors, being freeholders of said city, at its next annual election or at a special election called for that purpose by the council as provided in this act, and shall be determined as a majority of such electors voting at such election by ballot upon the question shall decide. *Provided,* however, That after such water-works have been purchased or constructed by said city, the council may then raise and expend in making repairs or alterations or in extending such works, such sum as they may see fit without submitting the question to the electors of the city, but the sum to be raised for such purpose shall be included in and shall not increase the total amount which by the provisions of section five of title nineteen of this act the council is authorized to raise.

**SEC. 9.** That section nine of title fifteen of said act be and the same hereby is amended so as to read as follows:

**SEC. 9.** For the purpose of operating and constructing, maintaining or extending such water-works, the city shall have the right to lay conduit pipes, aqueducts or other necessary works over or under any water course or under and along any street, alley, lane, turnpike road, railroad or highway within said street, but not in such manner as to obstruct the same or impede or prevent travel thereon, and the city authorities may at all times enter upon and dig up such street, alley, road or highway to lay pipes thereon or to construct works beneath the surface thereof, but they shall cause the surface of such street, alley, road or highway to be railed and restored to its usual state and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

**SEC. 10.** That section two of title eighteen of said act be and the same hereby is amended so as to read as follows:

**SEC. 2.** When the council shall determine to make any public improvement or repairs, the whole or any part of the cost and expense whereof is to be defrayed by special assessment, either as required by section twelve of title fourteen of this

May hold land,  
etc., for  
water works.

Question to be  
submitted to  
electors.

*Proviso.*

City may lay  
pipes, etc.

Resolution  
of council  
of special  
assessment.

**Fiscal year.**

**SEC. 15.** That section one of title nineteen of said act be and the same hereby is amended so [as] to read as follows:

**SECTION 1.** The fiscal year of the city organized under this act shall commence on the third Monday of March in each year, unless otherwise provided by ordinance.

**SEC. 16.** That section three of title nineteen of said act be and the same hereby is amended so [as] to read as follows:

**SEC. 3.** The revenues raised by general tax upon all the property in the city or by loan to be repaid by such tax shall be divided into so many of the following general funds as are necessary:

**Taxes, how divided.**

First, Contingent fund—To defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made;

**Fire department.**

Second, Fire department fund—To defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

**Streets.**

Third, General street fund—To defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, repaving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof;

**Sewers.**

Fourth, General sewer fund—To defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses;

**Bridges.**

Fifth, Bridge fund—For the construction and maintenance of bridges;

**Water.**

Sixth, Water fund—For constructing, purchasing, maintaining and extending a system of water-works and for constructing reservoirs and cisterns, and providing for supplies of water;

**Public buildings.**

Seventh, Public building fund—For providing for public building, and for the purchase of lands therefor, and for the erection, preservation and repair of any such buildings, city hall, offices, library building, prisons, watch houses and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for;

**Police.**

Eighth, Police fund—For the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

**Cemetery.**

Ninth, Cemetery fund;

**Interest and sinking.**

Tenth, Interest and Sinking fund—For the payment of the public debt of the city and the interest thereon;

**Parks.**

Eleventh, Park fund—For the purchase of grounds for public parks and for the maintenance and improvement thereof;

**Lighting.**

Twelfth, Light fund—For the construction, purchase and maintenance of electric or other lights;

**Library.**

Thirteenth, Library fund—For the purpose of maintaining a free library and reading-room in said city;

State of Michigan, } ss.  
City of Menominee.

Form of  
report.

To the Council of the City of Menominee:

We hereby certify and report that the foregoing is the special assessment roll, and the assessment made by us pursuant to a resolution of the council of said city, adopted (give date), for the purpose of paying that part of the cost which is to be paid and borne by special assessment for the (here insert the object of the assessment): That in making such assessment we have as near as may be, and according to our best judgment, conformed in all things to the directions contained in the resolutions of the council hereinbefore referred to, and the charter of the city relating to such assessments.

Dated.....

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.....

Board of Assessors.

SEC. 14. That section twelve of title eighteen of said act be and the same hereby is amended so as to read as follows:

SEC. 12. When any special assessment shall be reported by the board of assessors to the council, as in this title directed the same shall be filed in the office of the city clerk and numbered consecutively. Before adopting such assessment, the council shall cause notice to be published two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review such assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all persons interested therein, and may be in the following form:

Assessment rolls, where filed.

Notice of adoption of assessment.

NOTICE OF SPECIAL ASSESSMENT.

To (insert the names of the persons against whom the assessment appears), and to all persons interested, take notice: That the roll of the special assessment heretofore made by the board of assessors for the purpose of defraying that part of the cost which is to be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given that the council and board of assessors of the city of Menominee will meet at the council room in said city (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Form of notice.

Dated.....

..... City Clerk.

**SEC. 22.** That section ten of title nineteen of said act be and the same hereby is amended so as to read as follows:

**Tax to meet deficiencies.** SEC. 10. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year.

**SEC. 23.** That section eleven of title nineteen of said act be and the same hereby is amended so as to read as follows:

**Council to pass annual appropriation bill.** SEC. 11. The council shall also in the said month of September pass an ordinance, to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year payable from the several general funds as estimated and determined upon, as provided in section nine of this title, and order the same, or so much of said amounts as may be necessary, to be raised by tax with the next general tax levy, or by loans, or both, and to be paid into the several general funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five and eight of this title, to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which said appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year.

**SEC. 24.** That section twelve of title nineteen of said act be and the same hereby is amended so as to read as follows:

**When certain amounts certified to.** SEC. 12. All sums ordered in the annual appropriation bill in any year, to be raised for the several general funds, and all amounts reported to the council by the board of education, to be raised for schools, library and schoolhouse purposes, as provided in title twenty-two of this act, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October.

**SEC. 25.** That section thirteen of title nineteen of said act be and the same hereby is amended so as to read as follows:

**When further sums not to be raised.** SEC. 13. After the passage of the annual appropriation bill no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors in the city, having the qualifications of electors under the constitution of this State, voting upon the proposition at the next annual city election or at any special election called for that purpose. But this section shall not prohibit the council from making any necessary repairs or expenditures at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and from borrowing the money therefor.

**SEC. 26.** That section fourteen of title nineteen of said act be and the same hereby is amended so as to read as follows:

**SEC. 14.** No improvement, work, repairs or expense, to be paid for in whole or in part out of any general fund, excepting as herein otherwise provided, shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill, nor shall any expenditure be made or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general fund, for any purpose, unless appropriated for that purpose in said bill.

Expenses to conform to appropriations.

**SEC. 27.** That section fifteen of title nineteen of said act be and the same hereby is repealed.

Section repealed.

**SEC. 28.** That section seventeen of title nineteen of said act be and the same hereby is amended so as to read as follows:

**SEC. 17.** Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year, for the purpose of the general street fund, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: Provided, That the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

How certain amounts may be raised.

Proviso.

**SEC. 29.** That section seven of title twenty of said act be and the same hereby is repealed.

Section repealed.

**SEC. 30.** That section eight of title twenty of said act be and the same hereby is amended so as to read as follows:

**SEC. 8.** The clerk at the time of levying state and county taxes in the city for the year, shall levy in the same roll upon all taxable property in the city the amounts certified to by him by the clerk of the board of supervisors as provided in section six of this title to be raised for city and school purposes, placing the city taxes in one column and the school taxes in another column and he shall also levy in the same roll all sums mentioned in any statement and return of unpaid special assessments made by the city treasurer to him, pursuant to section twenty-six of title eighteen of this act, since the making of the last preceding city tax roll, upon the respective lots and premises to which they are especially assessed, and against the person chargeable therewith as a tax in a column for special assessments, and shall place the state and county taxes in other columns. The aggregate amount of the several taxes so levied upon each valuation shall be carried into the last column of the roll.

Duty of clerk relative to levy of taxes.

**SEC. 31.** That section eighteen of title twenty of said act be and the same hereby is repealed.

Section repealed.

This act is ordered to take immediate effect.

Approved April 16, 1903.

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[No. 418.]

AN ACT to amend section five of chapter one; sections two, three, four and six of chapter two; sections one, three, five and ten of chapter three; sections one, three, four, six, seven and nine of chapter four; sections nine, ten, thirteen, twenty-one, twenty-two, thirty-three and forty-two of chapter five; sections five and nine of chapter six; sections eleven and seventeen of chapter eight; section eight of chapter twelve; section five of chapter seventeen; sections one, two, three, four, five, six, seven, nine, ten, twelve, fifteen, sixteen, seventeen, and twenty-two of chapter twenty-one; sections six and twelve of chapter twenty-three; sections two, three, four, five, six, seven, twelve, thirteen, and fourteen of chapter twenty-four of an act, entitled "An act to incorporate the city of Sault Ste. Marie and to repeal an act, entitled 'An act to reincorporate the village of Sault Ste. Marie,' approved May twenty-ninth, eighteen hundred seventy-nine, as amended," being act number five hundred thirty-three of the Local Acts of eighteen hundred and eighty-seven, approved June twenty-first, eighteen hundred eighty-seven, as amended by the several acts amendatory thereof, and to add thereto one new section to stand as section forty-four of chapter five.

*The People of the State of Michigan enact:*

Sections  
amended.

SECTION 1. That there be added to chapter five a new section to be known as section forty-four, and, that section five of chapter one; sections two, three, four and six of chapter two; sections one, three, five and ten of chapter three; sections one, three, four, six, seven and nine of chapter four; sections nine, ten, thirteen, twenty-one, twenty-two, thirty-three and forty-two of chapter five; sections five and nine of chapter six; sections eleven and seventeen of chapter eight; section eight of chapter twelve; section five of chapter seventeen; sections one, two, three, four, five, six, seven, nine, ten, twelve, fifteen, sixteen, seventeen, and twenty-two of chapter twenty-one; sections six and twelve of chapter twenty-three; sections two, three, four, five, six, seven, twelve, thirteen and fourteen of chapter twenty-four of an act, entitled "An act to incorporate the city of Sault Ste. Marie and to repeal an act, entitled 'An act to reincorporate the village of Sault Ste. Marie,' approved May twenty-ninth, eighteen hundred seventy-nine as amended," being act number five hundred thirty-three of the Local Acts of eighteen hundred eighty-seven approved June twenty-first, eighteen hundred eighty-seven, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

SEC. 26. That section fourteen of title nineteen of said act be and the same hereby is amended so as to read as follows:

SEC. 14. No improvement, work, repairs or expense, to be paid for in whole or in part out of any general fund, excepting as herein otherwise provided, shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill, nor shall any expenditure be made or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general fund, for any purpose, unless appropriated for that purpose in said bill.

SEC. 27. That section fifteen of title nineteen of said act be and the same hereby is repealed.

SEC. 28. That section seventeen of title nineteen of said act be and the same hereby is amended so as to read as follows:

SEC. 17. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year, for the purpose of the general street fund, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: Provided, That the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

SEC. 29. That section seven of title twenty of said act be and the same hereby is repealed.

SEC. 30. That section eight of title twenty of said act be and the same hereby is amended so as to read as follows:

SEC. 8. The clerk at the time of levying state and county taxes in the city for the year, shall levy in the same roll upon all taxable property in the city the amounts certified to by him by the clerk of the board of supervisors as provided in section six of this title to be raised for city and school purposes, placing the city taxes in one column and the school taxes in another column and he shall also levy in the same roll all sums mentioned in any statement and return of unpaid special assessments made by the city treasurer to him, pursuant to section twenty-six of title eighteen of this act, since the making of the last preceding city tax roll, upon the respective lots and premises to which they are especially assessed, and against the person chargeable therewith as a tax in a column for special assessments, and shall place the state and county taxes in other columns. The aggregate amount of the several taxes so levied upon each valuation shall be carried into the last column of the roll.

SEC. 31. That section eighteen of title twenty of said act be and the same hereby is repealed.

This act is ordered to take immediate effect.

Approved April 16, 1903.

**Place of meeting.**

such registration shall not be necessary for any special election held in said city. At least two weeks previous to the commencement of any such session of the several boards of registration the council shall fix the place in each ward or voting district of said city where the boards of registration will meet and at least eight days before such session of the board the city recorder shall give notice by hand bills posted in at least ten public places in each ward or voting district and by publication in one or more newspapers printed in the city, of the time and place in each ward or voting district when and where the board of registration for such ward or voting district will meet, which hand bills shall also contain a true copy of the list of names in the register for each ward and voting district. Except as in this act otherwise provided the general laws of this State relating to the registration of electors in cities shall apply to the registration of electors in this city. If by reason of a change of the boundaries of any ward or the division of any ward in the precincts (called voting districts), or other cause there shall not be sufficient number of aldermen representing such ward or precinct to constitute a board of registration of two persons the council shall supply the vacancies or appoint a board of registration for the ward or precinct. The board of registration may in all cases appoint a person to act as clerk of the board of registration, while in session, at a compensation not to exceed two dollars for each day actually employed, which clerk shall take the constitutional oath of office, which oath either of the members of the board of registration may administer.

**May appoint clerk, compensation, etc.****Proceedings in case of new wards.**

SEC. 4. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from territory of other wards or any ward divided into precincts the boards of registration of the respective wards affected by the changes shall meet previous to the time prescribed by law for giving notice of their session preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward or to a new ward shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change, and, in case of the dividing of any ward into precincts such board shall make a new register for each precinct by copying therein the name of each registered elector residing in such precinct.

**When to make re-registration.**

SEC. 6. The boards of registration in the city as incorporated under this act, at their session previous to the general election in November in the year one thousand eight hundred ninety, shall make a re-registration of the qualified electors of their respective wards or precincts in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward and precinct shall be made at the session of the board next preceding the general election every four years.

## CHAPTER I.

**SEC. 5.** Whenever the council shall deem it expedient, they <sup>Council may change wards.</sup> may by ordinance enacted by a concurring vote of not less than two-thirds of the aldermen in office, re-district the city into wards, divide any wards or change the boundaries thereof, and establish new wards or increase the number of ward [wards] in the city within the limits prescribed by the preceding section: <sup>Provido.</sup> Provided, That in case of the change of the boundary of any wards, other than a division for the creation of a new ward, the vote of one of the aldermen residing in the ward from which the territory is taken shall be necessary for the making of such change of boundary: <sup>Provido.</sup> Provided, The common council may by ordinance enacted by a concurring vote of not less than two-thirds of the aldermen elect, divide one or more of the four wards of the city into voting precincts so that the territory included within any voting precinct shall have as nearly an equal number of voters as the other precinct in the same ward as practical, and, <sup>Provido as to voting pre-</sup> Provided, That the common council shall not divide any one ward into more than three voting precincts nor divide any ward into precincts unless at the last preceding general election held within the city there shall be more than three hundred votes cast, in such ward at such election, and, <sup>Provido as to number.</sup> Provided further, That such precincts shall be bounded <sup>Further proviso.</sup> by streets, alleys, avenues, public grounds, streams of water or corporation lines when possible.

## CHAPTER II.

**SEC. 2.** Every elector shall vote only in the ward and precinct where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, <sup>Where electors to vote.</sup> What deemed residence. not being a house holder shall be deemed to be in the ward or precinct in which he boards or takes his meals.

**SEC. 3.** The aldermen of each ward shall constitute the board of registration therein, except as otherwise provided for in this act. On the third Wednesday next preceding a general election, and on the third Tuesday next preceding the day of the regular city election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards and voting precincts as shall be designated by the common council of the city, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters of such wards and voting districts during which session it shall be the right of each person then actually residing in the ward or voting district, and who at the then next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register of such ward or voting district: <sup>Provido.</sup> Provided, That <sup>Who to constitute registration.</sup> When to be in session.

**Place of meeting.**

such registration shall not be necessary for any special election held in said city. At least two weeks previous to the commencement of any such session of the several boards of registration the council shall fix the place in each ward or voting district of said city where the boards of registration will meet and at least eight days before such session of the board the city recorder shall give notice by hand bills posted in at least ten public places in each ward or voting district and by publication in one or more newspapers printed in the city, of the time and place in each ward or voting district when and where the board of registration for such ward or voting district will meet, which hand bills shall also contain a true copy of the list of names in the register for each ward and voting district. Except as in this act otherwise provided the general laws of this State relating to the registration of electors in cities shall apply to the registration of electors in this city. If by reason of a change of the boundaries of any ward or the division of any ward in the precincts (called voting districts), or other cause there shall not be sufficient number of aldermen representing such ward or precinct to constitute a board of registration of two persons the council shall supply the vacancies or appoint a board of registration for the ward or precinct. The board of registration may in all cases appoint a person to act as clerk of the board of registration, while in session, at a compensation not to exceed two dollars for each day actually employed, which clerk shall take the constitutional oath of office, which oath either of the members of the board of registration may administer.

**May appoint clerk, compensation, etc.****Proceedings in case of new wards.**

SEC. 4. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from territory of other wards or any ward divided into precincts the boards of registration of the respective wards affected by the changes shall meet previous to the time prescribed by law for giving notice of their session preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward or to a new ward shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change, and, in case of the dividing of any ward into precincts such board shall make a new register for each precinct by copying therein the name of each registered elector residing in such precinct.

**When to make re-registration.**

SEC. 6. The boards of registration in the city as incorporated under this act, at their session previous to the general election in November in the year one thousand eight hundred ninety, shall make a re-registration of the qualified electors of their respective wards or precincts in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward and precinct shall be made at the session of the board next preceding the general election every four years.

thereafter. When such new register of electors shall be made, the former register of electors shall not be used nor shall any person vote at any election in any ward or precinct after such re-registration unless his name shall be registered in such new register. Notice that such re-register is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

### CHAPTER III.

#### OFFICERS.

**SECTION 1.** The officers of said city shall be a mayor, one ~~Elective.~~ comptroller, one recorder, one treasurer, who shall be ex-officio collector, and one justice of the peace who shall be elected by the qualified voters of the whole city voting in their respective wards.

**SEC. 3.** The following officers shall be appointed by the ~~Appointive.~~ council, viz.: A city attorney, city engineer, one assessor, chief of fire department, one health officer, one or more fire wardens, one or more poundmasters, in the absence of the existence of the board of police commissioners, such a police force as may be necessary and such other officers, the election or appointment of which is not herein provided for as the council may deem necessary for the execution of the powers granted in this act. The powers and duties of such officers not provided for in this act shall be provided by ordinance.

**SEC. 5.** Appointments to office by the council except appointments to fill vacancies, shall be made on the first Monday in May, except appointments to the office of assessor shall be made on the first Monday in January of each year on which his office shall terminate, but appointments which for any cause shall not be made on the day herein provided for may be made at any subsequent regular meeting of the council. Appoint-  
ments, when  
made.

#### QUALIFICATION, OATH AND BOND OF OFFICE.

**SEC. 10.** No person shall be elected or appointed to any ~~Qualifications.~~ office except city engineer unless he shall be an elector of the city, and if elected or appointed for a ward he must be an elector thereof and no person shall be elected or appointed to any office in the city who has been or who is a defaulter to the city or to any board of officers thereof or to any school district, county or other municipal corporation of the State. All votes for any appointment of, such defaulter shall be void.

### CHAPTER IV.

#### ELECTIONS.

**SECTION 1.** An annual city election shall be held on the ~~Annual, when held.~~ first Monday in April in each year, at such place in each of the several wards and voting precincts of the city as the council shall designate.

**Notice of special.**

SEC. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards or voting precincts where the same is to be held, a notice signed by the recorder, specifying the officer or officers to be chosen and the question or proposition if any to be submitted to the vote of the electors and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

**Notices to be posted and published.**

SEC. 4. Notice of the time and place or places of holding any election and of the officers to be elected and the questions to be voted upon shall except as herein otherwise provided, be given by the recorder at least eight days before such election by posting such notices in three public places in each ward and voting precinct in which the election is to be held and by publishing a copy thereof in a newspaper published in the city the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

**Polls, when open.**

SEC. 6. On the day of elections, both general and special, held by virtue of this act, the polls shall be opened and closed in each ward and voting precinct at the several places designated by the council at the hour in the general laws of this State provided. The inspector shall cause proclamation to be made of the opening and closing of polls.

**Who to constitute inspectors.**

SEC. 7. The two aldermen of each ward and voting precinct and an elector thereof to be designated by the common council, shall, except as in this act otherwise provided, constitute a board of inspectors of election for said ward or voting precinct. If by reason of the formation of new wards or by a change in the boundaries of existing wards or the division of a ward into voting precincts, or for any reason, there shall not be a sufficient number of officers last named to make a board of three inspectors, it shall be the duty of the common council at least one week before the election to appoint a sufficient number of inspectors who are residents and electors of said ward or voting precinct and whom, with the officers above named, if any residing in the ward and voting precinct shall constitute a board of inspectors for said ward or precinct and if at any election any of the inspectors above provided for shall not be present and remain in attendance, the electors for the said ward or voting precinct present may choose "viva voce" such number of such resident electors of the ward and voting precinct as with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors at that election: Provided, That in case any ward shall be divided into voting precincts the aldermen of such ward shall be inspectors of election in that precinct in which they respectively reside.

**Proviso.****To act at state, etc., elections.**

SEC. 9. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county and district elections in their respective wards or precincts.

## CHAPTER V.

SEC. 9. When any tax or money shall be levied, raised or appropriated, the recorder shall report the amount thereof to the city treasurer and comptroller, stating the objects and funds for which it is levied, raised or appropriated and the amount thereof to be credited to each fund. The recorder shall also record at length, in a book to be provided by the city for that purpose, all agreements, contracts and bonds to which the city is a party, which record or copy thereof certified by the recorder shall be competent evidence in all courts and proceedings of the contents of such agreements, contracts and bonds, and shall perform such other duties as may be required of him by the common council. The recorder shall appoint a deputy for whose acts he shall be responsible, but without cost to the city for the services of such deputy.

*May appoint  
deputy.*

SEC. 10. The comptroller shall perform such duties in relation to the finances, accounts and other matters of the city as are provided in this act, and also such other duties as may be prescribed by the ordinances of the city. He shall be the general accountant of the city and all claims against the corporation must be filed with him for adjustment, and after examination thereof, he shall report the same with all accompanying vouchers and counter claims of the city, and the true balance as found by him, if any, to the council for allowance. He shall exercise a general supervision over all officers charged in any manner with the receipts, collections and disbursements of the city revenues and all the property and assets of the city, except as otherwise herein provided. He shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities with a proper classification and showing the purpose for which each fund was raised. He shall keep an itemized statement of the liabilities of the city showing to whom the same are payable. The bonded indebtedness shall be kept in a separate account showing when all bonds are issued, for what purpose, time to run, rate of interest, date of interest payable and the payments and where payable. He shall also on the first Monday of March, in each year file with the city council a complete statement of the financial condition of the city, showing as above outlined the entire liability of the city and the condition of the various city funds. He shall also keep an account with the treasurer of the city in which he shall charge said treasurer with the whole amount of the taxes, special or general, levied in said city, placed in the hands of the collector, and for licenses, rates and all other moneys which may be paid into the city treasurer and all bonds, coupons, notes, leases, mortgages, interest and bills received by said city of corporate nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection, and shall charge all other officers of the corporation with all funds, moneys, and prop-

*Powers and  
duties of  
comptroller.*

erty placed or being in their possession and shall require settlement with such officers at least once in each year and as much oftener, not to exceed once in each month, as the interest of the city and safety of the property may require, and he shall give the treasurer and all other officers credit for all moneys deposited upon showing proper vouchers and for all property consumed and destroyed by ordinary wear and use, and not otherwise. He shall credit the city treasurer with all moneys turned into the city treasury, designating all sources from which the same were received. He shall also credit him with all taxes collected, and upon presentation of a receipt signed by the county treasurer showing the amount of taxes of said city returned delinquent in each year, he shall credit said city treasurer with said amounts. The city comptroller shall also immediately advise the council when any fund of said city is exhausted. He shall have authority to administer oaths and take affidavits. The comptroller shall appoint a deputy for whose acts he shall be responsible but without cost to the city for the services of such deputy.

**Powers and duties of treasurer.**

SEC. 13. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation and keep an account of all the receipts and expenditures thereof. He shall pay no moneys out of the treasury except in pursuance of and by authority of law and upon warrant signed by the recorder and countersigned by the mayor and approved by the comptroller which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation and shall keep a separate account of each fund and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued and having the name of such fund endorsed thereon by the recorder. He shall perform all duties relative to the levying and collecting of taxes required by the general laws of the State. He shall appoint a deputy for whose acts he shall be responsible but without cost to the city for the services of such deputy.

**Term of office, etc., of city attorney.**

**Proviso.**

**Duties and powers.**

SEC. 21. The city attorney shall be ex-officio a member of the board of supervisors of Chippewa county and shall hold office for two years from his appointment on the first Monday in May and until his successor is appointed and qualified: Provided, That on the first Monday of May, nineteen hundred and three and every two years thereafter and at no other time except as herein provided the common council of said city shall appoint a city attorney. In addition to the other duties prescribed in this act the city attorney shall be the legal adviser of the council and of all other officers of the city and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and draw up all contracts in behalf of the city, and he shall prosecute

for offenses on behalf of the city. He shall appoint a deputy who shall be a member of the bar of Chippewa county, for whose acts he shall be responsible but without cost to the city for the services of such deputy.

SEC. 22. The city engineer shall hold office for two years from his appointment on the first Monday in May and until his successor is appointed and qualified: Provided, That on the first Monday of May nineteen hundred three, and every two years thereafter and at no other time except as herein-after provided the common council of said city shall appoint a city engineer. The city engineer shall have and exercise within the city like powers and duties as are conferred by law upon the county surveyor and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams, plans, specifications and estimates required by common council or board of public works, relating to the public improvements, buildings, grounds and streets of the city and all other city matters. He shall keep a record of all monuments, field notes, minutes and surveys made within the city in books to be provided for the purpose, which shall be the property of the city and shall be turned over by him with all other records, files, minutes and proceedings made by him in discharge of his duties to the comptroller of the city at the expiration of his term of office and as a condition precedent to his entering upon the discharge of the duties of his office, he shall execute a bond to said city in the penal sum of two thousand dollars with two sufficient sureties thereon to be approved by the common council, conditioned for the faithful discharge of the duties of his office. He shall also keep a record of all sewers, water mains or pipes, gas mains, conduits or any underground work in the streets, alleys or public grounds of the said city. Such records to show clearly all connections, branches or special fittings of said underground work. He may with the approval of the board of public works employ such assistants as is in his discretion necessary to properly discharge the duties of his office and the employment of such assistants shall be paid at the rate and from such funds or fund, weekly or monthly, as the board of public works may designate.

SEC. 33. The said justice shall appoint a clerk to be nominated "justice clerk," who shall be an elector of said city and shall hold office during the pleasure of said justice and in case of a vacancy in the office of clerk arising from any cause whatever, said justice shall fill such vacancy by appointment as aforesaid. Said clerk before entering upon the duties of his office shall take the constitutional oath as required by other officers of the city and shall file the same with the recorder of said city. Said clerk shall have power generally to administer oaths and do all acts required by said justice of the peace except judicial acts. Said clerk shall not engage in the practice of law before said justice of the peace nor engage in legal practice either as counsel or otherwise in either

Term of office,  
etc., of city  
engineer.  
Proviso.

Powers and  
duties.

Justice to  
appoint clerk.

Clerk to take  
oath.

Powers and  
duties.

civil or criminal litigation that may come before said justice for determination or that has been appealed from said justice court.

**Compensa-**  
**tion of mayor**  
**and aldermen.**

SEC. 42. The mayor and aldermen of the city shall receive as full compensation for all the duties of their respective offices as follows: The mayor the sum of seven hundred fifty dollars per annum, payable monthly, and each alderman the sum of three dollars for each meeting of the common council and one dollar for each meeting of committees on "Committee Day," at which they shall respectively be in attendance except as herein otherwise provided, payable at the end of each year: Provided, No alderman shall receive compensation for attendance upon a committee on "Committee Day," unless his attendance shall be required thereon by the provisions of this act, nor shall receive compensation for attendance upon more than one committee in any one week: Provided further, That the number of the meetings of the council and of the committees in one year for which pay shall be drawn shall not exceed fifty-two each: Provided further, That for services rendered as members of the board of supervisors, of Chippewa county, they shall receive the same compensation as other members of the board to be paid in the same manner, and: Provided further, That they and the city attorney shall also receive the sum of three dollars per day for services on board of registration and as inspectors of election and on boards of review when actually serving thereon. The treasurer and constable shall receive such fees as are provided for in this act and by the general laws of the State, but, in addition thereto, the city treasurer and all other officers elected or appointed, except justice of the peace, shall receive such salary as shall be fixed by the common council of the said city at the first regular meeting thereof in the month of March prior to the commencement of the term of such offices: Provided, That if the salaries shall not be fixed at that date, the same shall be fixed as soon thereafter as may be.

**Compensa-**  
**tion, term of**  
**office, etc.,**  
**of assessor.**

SEC. 44. The assessor shall be ex-officio a member of the board of supervisors of Chippewa county and shall hold office for two years from his appointment on the first Monday in January and until his successor is appointed and qualified and shall receive an annual salary to be fixed by the common council of said city at the first regular meeting thereof in the month of December, prior to the commencement of the term of office of such officer: Provided, That if the salary shall not be fixed at that date, the same shall be fixed as soon thereafter as may be, to be paid at the time and in the manner of salaries of other officers: Provided, That on the first Monday of January, nineteen hundred four, and every two years thereafter, and at no other time, except as herein provided, the common council of said city shall appoint an assessor. He shall have and exercise within the city all powers and duties and authority of the supervisor of the townships as provided by the laws of this State, except as in this act otherwise provided and shall perform such other duties and have such other

**Proviso.**

**Proviso as to**  
**time of**  
**appointment.**

**Powers and**  
**duties.**

powers as is herein or may be by ordinance prescribed, and he shall have authority to administer oaths and take affidavits. He shall appoint a deputy for whose acts he shall be responsible, but without cost to the city for the services of such deputy. Before entering on the duties of his office, the assessor shall give a bond to the city in a penalty in the sum of four thousand dollars, with sufficient sureties to be approved by the common council of said city, conditioned for the faithful performance of the duties of assessor within and for said city.

## CHAPTER VI.

SEC. 5. The common council shall be judge of election returns and qualification of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe not less than two of which shall be held in each month. The mayor or any three members of the council may appoint special meetings thereof, notice of which in writing shall be given to each alderman or be left at his place of residence at least twelve hours before the meeting. The common council shall by ordinance designate one day of the week "Committee Day" on which day the standing committees of the common council shall meet at such time and place as said ordinance shall fix for the transaction of any unfinished business, which may have been by the common council referred to said committee: Provided, No committee of the council shall be required to meet on committee day unless some new matter shall have been referred to such committee at the last preceding meeting of the common council. The sessions of the council and committees on committee day shall be held in public.

SEC. 9. The comptroller, city attorney, city engineer, assessor, engineer of the fire department, president of the board of public works and chief of police, shall have seats in the council and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the common council may from time to time prescribe, but without the right to vote. Such officers may be required to attend the meetings of the common council in the same manner as members.

Council to hold regular meetings.

Special, how called.

To designate committee day.

Proviso.

Certain officers to have seats, not entitled to vote.

## CHAPTER VIII.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury except as in this act otherwise provided. Such jury except where other provision is made shall consist of six persons and shall be selected and summoned in all cases in the manner in this act provided for. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party

Persons may have jury.

or interested on account of merely such interest as he may have in common with the inhabitants of the city in the result of the suit.

**Jurisdiction  
of justices.**

SEC. 17. The justice of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section, but he shall not render judgment for more than two hundred dollars on the penalty of forfeiture imposed by any ordinance for the violation thereof, nor shall he sentence to imprisonment for a longer period than ninety days.

## CHAPTER XII.

**Council may  
establish  
board of  
health.**

SEC. 8. The council, when deemed necessary, may establish a board of health for the city and appoint the necessary officers thereon and provide rules for its government and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the city and in addition thereto said board of health when created shall have and exercise all the powers and authority conferred on boards of health by the State laws referred to in the preceding section, so far as may be exercised consistently with the provisions of this act, and when authorized by resolution of the common council, shall appoint a sanitary officer and such other assistant as may be necessary to protect the public health. The salary of such officer so appointed by said board of health to be fixed by the common council. The health officer shall act as the sanitary advisor and executive officer of said board, and the board shall have control of said health officer and other assistants under such regulations as prescribed by the general law of the State. They shall exercise the power of removal of said sanitary officer or assistants and shall audit all fees and charges of persons employed by the health officer or assistants in the execution of the health laws and their own regulations under such provisions as may be prescribed by the council, and the council may prescribe penalties for the violation of any lawful order, rule or regulation made by said board of health or any officer or officers thereof. The board of health shall consist of three members who shall serve without compensation and shall hold office for the term of three years from and after the fourth of July following their appointment and until their successors in office are appointed and qualified and shall be so classified that one member shall be appointed each year. The board of health established under this section may be abolished at any time by a vote of all the aldermen elected.

**Term of office  
of board.**

When to ap-  
point sanitary  
officer.

**May remove.**

When board  
of public  
works to sub-  
mit plans to  
council.

## CHAPTER XVII.

SEC. 5. If the common council shall at any time decide to construct new or additional water-works or to alter or repair, enlarge or extend, those in process of construction or shall decide to construct, alter, repair, enlarge or extend any sewer

or sewers or make street improvements or erect any public buildings, bridges or structures, the cost of which, shall be paid out of the general fund of the city, it shall be the duty of the board of public works, on a resolution of the common council therefor, to submit to the latter suitable and expedient plans with the requisite specifications, diagrams and plans and accurate estimates therefor. Upon its approval of the said plans, specifications, estimates and diagrams, the common council, if the money to pay the cost of said public improvement shall have been legally voted, raised or secured, shall by resolution direct the board of public works to have the work done and things needed for the same supplied by contract, effected under biddings called out by advertisements in such manner as the resolution shall prescribe and let the doing of the work including all the things to be found by the contractor to the lowest responsible bidder who shall give adequate security for performance, under the supervision and direction of the board, and it shall be the duty of the latter to carry out said resolution without unnecessary delay: **Provided**, That the common council may, if it shall deem it better for the interest of the city, direct the board of public works to provide all things and to proceed to the said work by itself; or the common council may in such resolution direct the board of public works to provide materials for and construct any portion of said work and to contract as above for the finding of materials for and constructing other portions of said work as the common council may direct; and in that case said board shall go on and comply with said directions and in such manner as will be for the best interests of the city: **Provided further**, That in case of any bidding as aforesaid, when the board shall be satisfied that collusion has existed between bidders or between bidders and others or that any other practice has occurred against the interests of the city, or that present letting is not advisable, it shall be competent for the board to cancel the offer of bids and no cancellation shall bring any liability on the city or on the board. In case of the cancellation of any such bid or bids the board of public works shall re-advertise for bids and let the doing of the work as aforesaid, or with the sanction of the common council discontinue the prosecution of such work.

When board  
to make  
improve-  
ment.

**Proviso.**

Further  
proviso.

## CHAPTER XXI.

### COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

**SECTION 1.** The cost and expense of the following improvements, including the necessary lands therefor, viz.: For city hall and other public buildings and offices for the use of the city officers, engine house and structures for the fire department, for water-works, market house and spaces, cemeteries and parks, watch houses, city prisons and workhouses and public wharves and landings upon navigable waters, levees and embankments shall be paid for from the proper general

To be paid  
from general  
fund.

Council to pass resolution for special assessment.

funds of the city. When by the provisions of this act, the cost and expense of any local or public improvement may by the council be ordered to be defrayed in whole or in part by special assessment upon lands and premises specially benefited thereby pro rata upon the lots and premises in any special district according to the frontage or benefits as shall in a proper resolution therefor be designated by the common council, such assessment may be made as in this chapter provided: Provided, That nothing in this chapter shall relate to the construction or repair of sidewalks.

Proviso.

What resolution to set forth.

SEC. 2. When the council shall deem it advisable to make any public improvements or repairs and defray the whole or any part of the cost and expense thereof by special assessment, they shall, except in cases otherwise provided, so declare by resolution in which resolution shall be stated in general terms the improvement or repairs to be made and what part or portion of the cost and expense thereof it is proposed to pay by special assessment and whether the council determines to assess the cost thereof according to frontage or according to benefits and the number of annual installments into which the special assessment is to be levied, not exceeding five installments and what part or portion of the cost thereof, if any, it is proposed to pay from the general funds of the city, and also in general terms the district which in the opinion of the council should be assessed. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length and front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

Assessments, how made.

When recorder to deliver resolutions to board of public works.

SEC. 3. Upon the passage of said resolution, the recorder shall deliver to the secretary or president of the board of public works a certified copy of the same, and it shall be the duty of the board of public works, if the improvement has not already been completed, to forthwith have made a reliable estimate of the cost of the proposed improvement or repairs, and, if the improvement has been completed, then a detailed statement of the actual cost of such improvement or repairs and also an accurate description of the district which the council shall have designated in general terms as the district to be assessed. In case the board of public works on examination shall deem that any other premises or territory than that designated by the council will be benefited by said improvement or repairs and should be assessed therefor, or that portions of the district suggested by the council should not be assessed, they shall so report to the council with an accurate description of the district, which, in their opinion, should be

When board to report to council.

assessed, and at the same time the board shall have prepared a statement showing the assessed valuation of the property in the special assessment district as proposed by the council or as modified and recommended by the board of public works as shall appear in the last preceding assessment roll of the city. In preparing said estimates and the description of the proposed special assessment district and the statement of the valuation of the property therein, the board shall receive from the comptroller, assessor and city engineer and all other officers of the city such assistance as it shall be in their power to give and shall have access to the files and records in their respective offices necessary to make their work accurate and complete. On the completion of such estimate or detailed statement of the cost and description and statement of valuation, the same shall be certified and returned to the city council and as soon as convenient upon the receipt thereof the council shall by resolution set a time of meeting at which time they will consider and take action upon said report. The recorder shall thereupon have published in at least one of the newspapers published in said city a notice which shall state in general terms the improvements or repairs made or proposed to be made and the district proposed by the council and recommended by the board of public works as the special assessment district. Also the amount of the estimate or of the detailed statement of the cost of the improvement or repairs and the part or portion thereof proposed to be levied by special assessment and the number of annual installments into which it is proposed to levy such assessments, and whether it is proposed to levy the same according to frontage or benefits, also the time of the meeting set by the council for considering and taking action upon said matter; such notice shall be published by one insertion in some newspaper published in said city at least one week prior to the time appointed for considering and taking action on said matter.

When to receive assistance from certain officers.

Notice of improvement to be published.

SEC. 4. At the time appointed to consider and take action upon said matter, the council shall, if there is a quorum present, consider the said report of the board of public works and shall hear and consider any suggestions, remonstrances or petitions in reference to the suggested improvement or repairs, the amounts to be raised by special assessment and the district or property to be assessed. If no quorum or number sufficient for its passage shall be present at the meeting of the council at which it was determined to consider said matter, then the council shall consider and determine the same, at any regular meeting of the council thereafter at which there shall be a quorum. Unless a remonstrance against such proposed improvement or repairs and the proposed assessment therefor shall be presented to the council, signed by the persons representing not less than one-half of the taxable property of the proposed assessment district, the council may by a vote of two-thirds of the members elect determine to make such public improvements or repairs and may levy by special assessment that part or portion of the cost thereof which they shall have

When council to consider report of board.

In case of remonstrance against improvement.

proposed to levy by special assessment in their preliminary resolution or such other portion of the cost and expense thereof and upon such assessment district as they may then by resolution determine. In case such a remonstrance is presented it shall require three-fourths vote of all the aldermen elect to adopt the resolution ordering such improvements and special assessment. The resolution by which the special assessment is ordered, levied, except in cases provided for in section fourteen of this chapter, shall state the improvement or repairs to be made and what portion of the cost and expense thereof shall be paid by special assessment, the number of annual installments into which the same is to be levied not exceeding five and the district or property proposed to be assessed and whether it is proposed to levy such special assessment according to benefits or according to the frontage. A certified copy of this resolution shall be forthwith given to the assessor and he shall thereupon prepare a special assessment roll in which roll he shall set down the descriptions of the several parcels of land contained in the special assessment district described in said resolution and opposite each of the said descriptions the names of the owners and occupants thereof, so far as known to the assessor, and the valuation of each of the said parcels, as appears in the last preceding general assessment roll of the city. And he shall levy against each of the several parcels and spread upon the said roll such portion of the total amount ordered to be levied as in his opinion shall be proportionate to the benefits which each of said parcels will receive by reason of the improvement or repairs, if said assessment has been ordered to be levied according to benefits. If said assessment has been ordered to be levied according to frontage, said assessor shall levy against each of the several parcels and spread upon the said roll such relative portion of the whole amount to be levied as the length and front of such premises abutting upon the improvement bears to the whole frontage of all lots to be assessed, unless on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. The entire amount assessed against any description shall be extended on said roll opposite such description in a column for that purpose headed "total assessment."

With whom  
assessor to file  
roll.

To give notice  
of meeting of  
board of  
review.

SEC. 5. Upon the completion of such roll the assessor shall file the same with the recorder and the council shall thereupon fix a time and place for the meeting of a board of review, consisting of the assessor and alderman or aldermen whose term of office soonest expires, representing the ward or wards in which any portion of the said special assessment district shall be situated and one other alderman to be appointed by the council. The assessor shall thereupon cause notice to be given of the time and place when and where said board of review shall meet, and of the fact that until said time of meeting said special assessment roll will be on file in the office of the recorder for examination by parties interested. Such notice shall be addressed in general terms to the persons owning taxable property in the district assessed, and it shall describe

generally the character of the work for which the tax is levied, and the place where the work is to be done.

The following form of notice may be used:

*Notice of Special Assessment.*

To the persons owning taxable property in the following <sup>Form of notice.</sup> described districts, viz.: (Here describe the district).

Take notice, that a special assessment has been levied against the property included in said district to pay, (here state the portion or proportion of the cost of the work which it is proposed to pay by special assessment, together with a general description of the improvement as one-half of the cost of the construction of a sewer on ..... street from ..... avenue to ..... street.) You are further notified that a board of review selected in the manner provided by law will meet on the ..... day of ....., A. D., 190.., at the ..... in the city of Sault Ste. Marie to revise and correct the said special assessment roll and to hear and decide upon objections which may be made thereto by parties deeming themselves aggrieved, and, that until said time of meeting such roll will be on file in the office of the assessor of the city where it can be examined by the parties interested.

Dated.....

.....,  
Assessor.

The assessor shall cause the said notice to be published in <sup>To be published.</sup> one of the newspapers of the city by one insertion each week for two weeks preceding the time fixed for such meeting and to be posted conspicuously for the same length of time preceding said date in the city hall and in or near the postoffice of said city and near the site of the proposed work.

SEC. 6. At the time and place provided for the meeting of <sup>Duties, etc.,  
of board of  
review.</sup> said board of review, the said board shall sit and hear any objections to the said assessment which may be made by any person deeming himself aggrieved thereby and shall decide upon the same. Any member of said board shall have power to administer an oath and to examine witnesses in relation to the matter involved in such objection. Such board upon <sup>ture shown</sup> may at the time of said meeting diminish, increase or correct any assessment or description appearing upon said roll: Provided, however, That if the amount assessed upon said roll against any description of property shall be diminished or increased, the amount of said diminution or increase shall be deducted or added ratably to all the assessments upon said roll. The said board of review shall continue in session for at least one day and for as much longer a time as may be necessary not exceeding in all two days. After the said board of review shall have reviewed and approved the said assessment roll, the assessor shall endorse thereon the words "Local Tax Roll (e. g. for paving ..... street, between ..... street and ..... street)."

<sup>When as-</sup>  
<sup>ssessor to en-</sup>  
<sup>dorse roll.</sup>

as approved by the board of review constituted for the review of said roll the ..... day of ..... A. D. 190..  
.....  
Assessor."

And said roll when so endorsed shall be *prima facie* evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof and of the validity of said tax and tax roll.

**When assessor may divide tax into installments.**

SEC. 7. After the assessment roll shall be so approved, if it has been determined by the council that the cost and expense of such improvement or repairs shall be divided into more than one annual installment, the assessor shall divide the entire amount levied against any description into such number of equal annual installments as shall be provided by the council and extend the same on said roll in additional columns for that purpose, the first column of which shall be headed "First Installment" and the second column headed "Second Installment" and so on for each installment, the last column to be headed "Last Installment." He shall then deliver said roll to the city comptroller who shall without delay make entry of the same and of the total of all taxes assessed thereon, on the books of his office, and, the comptroller shall thereupon deliver said roll to the city treasurer, with his warrant annexed thereto directed to the treasurer of said city substantially in the form following:

**When to deliver roll to comptroller.**

"To the treasurer of the city of Sault Ste. Marie:

In the name of the people of the State of Michigan you are hereby commanded and required to collect from the several persons named in the within and foregoing assessment roll the several sums assessed in said roll opposite their respective names as a special assessment and you are hereby authorized and directed in case any person in said roll named shall neglect or refuse to pay such sums to levy the same by distress and sale of his or her goods and chattels together with the cost and charges of said distress and sale and you are further directed to make return of said roll according to law sixty days from this date.

**When delivered to treasurer.**

Dated.....

.....  
Comptroller."

**When to collect tax.**

Upon receiving the said roll and warrants the city treasurer shall proceed to collect from the persons named in said roll the amount assessed against them thereon as commanded by said warrant and shall within five days after receiving said roll for collection and in case such assessment is levied in more than one installment, within five days after each installment is due and payable notify all persons assessed thereon that such roll is in his hands for collection which notice shall be by letter or postal card mailed to the last known address of such person and if no address can be found, then such notice may be addressed to such person at "Sault Ste. Marie, Michigan," but no assessment except the collection

**Notice of.**

fee shall be held to be invalid or the right to enforce collection thereof be in any manner affected by reason of the failure to mail such notice and if such assessment be levied in more than one annual installment he shall state in such notice the number of installments to be collected. And on all sums voluntarily paid, within the first thirty days of the limit for the return of said roll, and in case of more than one installment within thirty days after each installment is due and payable, he shall add one per cent for collection fees, and upon all sums paid after the expiration of the said thirty days he shall add four per cent for collection fees. In case any special assessment shall be divided into more than one annual installment, the second installment shall become due and payable in one year from the date of the confirmation of said roll by the board of review and the third installment in two years from such date and so on for each succeeding installment and each installment shall bear interest at the rate of six per cent per annum from the expiration of thirty days after the confirmation of said roll, but the whole assessment may be paid to the city treasurer at any time after confirmation with the proportionate interest thereon. During the time for the collection of all deferred installments and the interest thereon, the warrant attached to said roll shall remain in full force and effect and shall be returnable on each installment within sixty days from the date that such installment becomes due and payable and shall remain in full force during the time provided for the return of said roll for all installments. In case any person named in said roll shall neglect or refuse to pay said special assessment within said first thirty days, or in case of deferred installments within thirty days after any installment becomes due and payable, together with the interest thereon, it shall be the duty of the treasurer to levy the same by distress and sale of the goods and chattels of said person wherever the same may be found in the county of Chippewa. In the event of any property being seized by the treasurer as above provided he shall proceed to advertise and sell the same in the manner provided by law for the sale of chattels seized by the treasurer under a warrant annexed to the general city tax roll and he shall receive the additional fees allowed on seizure in such cases.

SEC. 9. Within five days after the time fixed in said warrant for the return of said roll, the treasurer shall prepare and file with the comptroller a statement on oath and in writing showing the total amount of taxes collected by him on said special assessment roll, the amount of his fees for the collection of the same and the total amount of delinquent tax remaining uncollected. According to the command of the warrant, the treasurer shall make out and return to the comptroller a statement of all the taxes remaining delinquent on the said roll not theretofore returned delinquent with a description of each lot and parcel of land upon which the same remains delinquent, and in case the time for the return of said roll to the comp-

Per cent may  
add for collec-  
tion.

When install-  
ments due.

Interest to  
bear.

When tax may  
be levied by  
distress and  
sale.

When treas-  
urer to file  
statement  
with comp-  
troller.

When treasurer to return rolls to assessor.

troller for all installments has expired such return may be made by the certificate of the treasurer attached to said roll specifying in definite manner the assessments remaining delinquent on said roll. On the first day of November in each year the treasurer shall return to the assessor any and all special assessment rolls remaining in his hands, the time for the return of which shall have expired with the list of taxes remaining delinquent thereon as above provided and the assessor shall add upon the general tax roll of the city then in course of preparation any delinquent tax assessed upon such local tax roll and returned delinquent against the same piece or parcel of real estate returned delinquent on or from said special assessment roll to the other city or general taxes assessed against such parcel of real estate upon the said general tax roll together with interest on the amount of such special assessment at the rate of six per cent from the expiration of thirty days after the confirmation of such special assessment roll and the same shall also be a charge to the owner and to any person against whom such piece or parcel of real estate is assessed on said general roll. In collecting the general tax roll of the city the treasurer shall add to each of the amounts so returned as delinquent four per cent for his collection fee.

Time in which treasurer may receive taxes.

SEC. 10. During the interval elapsing from the date at which the treasurer is required to make return of the special assessment roll, until he shall deliver said roll to the assessor he may receive any amount due and remaining unpaid on the said roll, but shall add thereto interest at the rate of one per cent per month from the date at which he was required to make said return until the time of payment and in addition his fee of four per cent for collection. Such interest shall be computed for each calendar month or fraction of a month which shall elapse between the date mentioned and the time of payment.

When assessor may make new roll.

SEC. 12. Whenever a new local tax roll or supplementary tax roll shall be directed to be made in the manner hereinbefore provided, it shall be the duty of the assessor to prepare the same and thereupon the same proceedings shall be had and the same duties performed and the same authority be possessed by the assessor, comptroller, council, board of review and the treasurer, respectively, in respect to such new roll or supplementary roll as is herein provided respecting the original of said tax rolls.

Council to apportion assessments.

SEC. 15. The council shall determine what amount or part of every such expense shall be charged and the person if known against whom and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient, they shall require all of the several amounts so reported and determined and the several lots or premises and the persons chargeable therewith respectively to be reported by the recorder to the assessor for assessment.

When assessor to make roll, etc.

SEC. 16. Upon receiving the report mentioned in the preceding section the assessor shall make a special assessment roll and levy as a special assessment, therein, upon each lot or parcel of land so reported to him and against the person chargeable

therewith, if known, the whole amount or amounts of the charges so directed as aforesaid to be levied upon each of said lots or premises respectively, and when completed he shall report the assessment to the comptroller who shall report the same to the council and thereupon the same proceedings shall be had, the same duties performed and the same authority possessed by the assessor, the comptroller, the council, the board of review and the treasurer respectively, in respect to such roll as are in this act provided in respect to local or special tax rolls in other cases.

SEC. 17. All special assessments shall from the date of approval thereof, by the board of review constitute a lien upon the respective lots or parcels of land assessed and shall be a charge against the person or persons to whom assessed until paid and shall be due and payable upon confirmation: Provided, That when any special assessment shall be payable in installments, the amount of each installment shall be a lien from the date upon which each installment becomes due.

SEC. 22. All special assessment rolls heretofore levied and remaining in the hands of the treasurer shall be by him returned to the assessor on the first Monday in November next thereafter. The assessor shall spread the amounts appearing delinquent upon said roll upon the general tax roll then in course of preparation and the same proceedings shall be taken for their collection as is herein provided for special assessments returned delinquent to the comptroller.

Special assessments to constitute lien.

Proviso.

When treasurer to return rolls to assessor.

### CHAPTER XXIII.

SEC. 6. In addition to the above amounts, the council may raise by special assessment in any special assessment district such sums as they may deem necessary to carry out the public improvement as designated, but, in case the cost of such improvement is levied in one installment such assessment shall not exceed five per cent of the assessed value of the property in the special assessment district and in case the cost of such improvement is levied in more than one installment, such assessment shall not exceed, in any one year, for a single installment, for any single improvement, two per cent of the assessed value of the property in the special assessment district as shown by the last preceding assessment roll of the city.

Amount council may raise for special assessment.

SEC. 12. The common council shall also have authority to raise money by loan in anticipation of the receipts from special assessments levied for the purpose of defraying the cost of the improvement or in case the improvement has already been completed for reimbursing the city for moneys expended in making such improvements for which the assessment was levied. Such loans shall not exceed the amount of the assessment levied for the completion of the whole work and for such loan the bonds of the city may be issued in such denominations and payable at such times from one to five years as the council may by resolution determine. Such bonds shall be general

When council may borrow money.

When may issue bonds.

city obligations and both interest and principal shall be payable from the interest and sinking fund into which fund all special assessments shall be placed and the entire faith and credit of the city shall be pledged to the prompt payment of both principal and interest as they respectively fall due.

## CHAPTER XXIV.

**Powers and  
duties of  
assessor.**

SEC. 2. The assessor shall possess all the powers, discharge all the duties, and be subject to all the liabilities in, for and to the city that are conferred and imposed upon supervisors in townships by the provisions of the acts mentioned and referred to in the preceding section in relation to the assessment and taxation of persons and property so far as the same may be applicable and except herein otherwise provided. He shall in each year prepare a general assessment roll for the city and complete the same before the time hereinafter fixed for the first meeting of the board of review in each year.

**When persons  
to make  
statement of  
property.**

SEC. 3. For the purpose of better enabling the assessor to prepare such assessment roll, it shall be the duty of each taxable person when called upon by the assessor to forthwith make and deliver to said assessor a full and true statement of the taxable property belonging to him according to the provisions of the statutes in such cases made and provided. In every case where any person shall neglect or refuse to make out and deliver the statement of his personal property, moneys and credits, said assessor is hereby authorized to examine on oath the persons so refusing and other person or persons he may see fit in relation to the property and credits of such person.

**Duty of as-  
sessor regard-  
ing false  
statements.**

SEC. 4. If any person residing in the city a part of the time during the year shall in the opinion of the assessor unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence and is taxed or liable to taxation elsewhere than in said city, the assessor shall notwithstanding assess such person for such amount of personal property as in his opinion shall be just and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof unless such person shall present to the officer requiring payment of such tax a certificate of the assessing officer of the place where such person claims to reside and also by the affidavit of the person charged with the tax showing that such person has been assessed upon all of the same property for the same year.

**Duty of as-  
sessor relative  
to assessment  
rolls.**

SEC. 5. The assessor shall set down in the general assessment roll the name of each resident person liable to be taxed in said city and also a full description of his real estate, the number of acres in each tract or parcel as near as may be except as otherwise provided by the general tax law of the State of Michigan, the value of each tract, lot or parcel and the aggregate value of the personal estate of such persons liable to be taxed in said city. The money upon which such person pays interest together with his bona fide indebtedness shall be de-

ducted from his money at interest and other credits. The assessor shall also set down in said roll the name of any other person liable to be taxed for personal property within said city and the value of such personal property. All land in said city not occupied and not claimed to be owned by any resident of said city may be assessed as non-resident lands. When real estate is occupied it may be assessed to the occupant or supposed owner or person exercising control over the same. When a person is assessed as trustee, guardian, executor or administrator, a designation of his representative character may be added to his name. Such assessments shall be entered on a separate line from his individual assessment. The assessor in making such assessment roll and the board of review in revising and correcting the same shall estimate all property at its true cash value as defined in section seventeen of public act number one hundred fifty-three of the session laws of eighteen hundred and eighty-five. Two weeks before the time herein-after fixed for the first meeting of the board of review in each year the assessor shall cause a notice of the time and place of such meeting to be given by publishing the same for two successive weeks in some newspaper in the city and by posting the same in each ward of the said city. The assessor shall also spread upon the said roll a full description of all the real property in said city exempt from taxation under this act and the general laws of the State including all church, municipal and government property and also the value of each of said tracts, lots or parcels which valuation shall be liable to review in the same manner as the other valuation appearing in the same roll. After each of such valuations the assessor shall in each case mark the word "Exempt." Such property except such as may belong to the United States or this State shall be liable for any and all special assessments that may be levied against the same. The value of the parcels thus marked as exempt shall not be included in the total valuation of the taxable property of the city, and shall not be considered in equalizing the several tax rolls of the county of Chippewa, or in the spreading of general taxes.

SEC. 6. The board of review shall consist of the mayor, comptroller, assessor, recorder, the aldermen of said city whose terms of office soonest expire, and the city attorney, four of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. Said board shall meet at the council chamber in said city on the second Monday in July, except in the years designated for the meeting of the State Board of Equalization, when said board shall meet on the third Monday in May, at which time the assessor shall submit to said board the general assessment roll which said roll shall be completed and filed by said assessor in the office of the assessor five days prior to the meeting of the said board of review where during said five days it shall remain open to public inspection. During the first three days of its meeting said board of review shall consider any written objections filed with it in respect to any assess-

To give notice  
of meeting of  
board of  
review.

Exemptions

Board of re-  
view, of whom  
to consist.

When to  
meet.

Powers and  
duties of.

ment that shall have been made and may on their own motion revise said assessment roll and may increase or diminish valuations therein, add the names of persons and description of property improperly omitted from the said roll and fix the valuation of such property and they shall correct all errors and supply all deficiencies therein. Said board shall continue its sessions after its said first three days during the rest of said week, during which time, upon the request of any person his agent or attorney considering himself aggrieved on sufficient cause being shown may reduce the assessment roll in such an amount as to such board shall appear just and equal. They may examine on oath any person touching the matter. After the expiration of the first three days, during which the board is required to sit, it shall have no power to make any change in said roll, without notice to the party affected thereby and except as in this section otherwise provided. Said board shall continue its session at least one week and as much longer as may be necessary. Any member of said board may administer an oath and examine witnesses in relation to the matters requiring investigation before said board. Said board shall keep a record of its proceedings in reducing or increasing the valuation of any property assessed upon said roll.

**May administer oaths.**

**When assessor to endorse roll.**

SEC. 7. After said board of review shall have completed the revision of said roll, said assessor shall endorse and sign a statement upon said roll to the effect that the same is a general assessment roll of the city for the year in which it has been prepared as approved by the board of review. Said statement may be in the following form, viz.:

General assessment roll of the city of Sault Ste. Marie for the year A. D. 190... as approved by the board of review.

Dated .....

.....  
Assessor.

Upon the completion of the said roll and the endorsement in the manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid and to have been made according to law.

SEC. 12. On or before the third Monday in September, the trustees of the graded school district which comprises the said city, shall cause to be certified to the assessor the amount of taxes voted to be raised for school purposes at the annual meeting of said district.

**Who to certify amount of school taxes to assessor.**

**Taxes, when and by whom assessed.**

SEC. 13. Upon the equalizing of the said assessment rolls by the board of supervisors of Chippewa county, the assessor shall proceed to assess the taxes apportioned to the said city according to and in proportion to the valuation entered by the board of review in the assessment roll of the city for the year: Provided, That if the board of review make no such entry then on the valuation as entered by the assessor. He shall enter the State and county taxes in separate columns headed respectively "State Taxes" and "County Taxes." He shall add together the several amounts directed to be raised by general

**Proviso.**

taxation in the city as shall appear by the general appropriation bill for that year and he shall assess the same according and in proportion to the valuation entered upon said roll in a separate column headed "City Taxes." He shall assess in like proportion in a separate column headed "School Taxes," the taxes voted to be raised for school purposes as certified to him in the manner provided by section twelve of this chapter. He shall likewise assess the one mill tax in a separate column headed "One Mill Tax." He shall further assess and levy in the same roll any separate column or columns headed special assessments upon the land, property and persons chargeable therewith, all special assessments returned as delinquent by the city treasurer and remaining unpaid. At the head of each of said special assessment columns shall be written the date from which such assessments draw interest. For the purpose of avoiding fractions in excess of any such taxes, the assessor may add to the several amounts to be raised not more than one per cent. Such excess shall belong to the contingent fund of the city. The total of all taxes assessed against any one valuation or parcel of property shall be footed up and carried out in the last column of the right hand side of such roll. All the taxes there assessed shall become at once a debt to the city from the persons to whom they are assessed and all personal taxes shall also be a lien upon all personal property of such persons so assessed from and after the first day of December in each year and shall take precedence of any sale, assignment or chattel mortgage, levy or lien on any such personal property executed or made after such first day of December except when such personal property is sold in the regular course of trade. The amounts assessed on any real estate shall on the first day of December become a lien on such real property and the lien for such amounts and for all interests and charges thereon shall continue until payment thereof.

SEC. 14. The assessor shall thereupon make a copy of such assessment roll with such taxes extended thereon, and deliver said assessment roll to the comptroller on or before the fifteenth day of November, who shall make entry of the same and the totals of all taxes assessed thereon upon the books of his office, and the comptroller shall annex thereto a warrant signed by him commanding the city treasurer to collect the several sums mentioned in the last column of said roll, and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified and to pay over the county treasurer the amounts therein specified for State and county purposes on or before the first day of February then next: Provided, however, That he shall retain out of the State and county taxes, sufficient moneys to make, together with the school taxes collected by him the whole amount of taxes voted to be raised for school purposes. And the said warrant shall authorize the treasurer in case any person named in said assessment roll shall neglect or refuse to pay the tax assessed to them to levy the same by distress and sale of the goods and chattels of such persons. The assessor may make a new roll and the

Special assessments.

Taxes to be  
come debt to  
city.

Assessor to  
deliver copy  
of roll to  
comptroller.

Proviso.

comptroller a new warrant in case of the loss of the one given to the county treasurer.

This act is ordered to take immediate effect.

Approved April 16, 1903.

[No. 419.]

AN ACT to authorize the board of education of the city of Escanaba, county of Delta and State of Michigan, to borrow money and issue bonds in the sum of twenty-five thousand dollars, to be used in the erection of a school building in the city and in the purchase of a site therefor.

*The People of the State of Michigan enact:*

Board of education may borrow money.

SECTION 1. The board of education of the city of Escanaba, from and after the passage of this act, is hereby authorized and empowered to borrow on the faith and credit of said city a sum of money not exceeding twenty-five thousand dollars, for a term not to exceed thirty years from date of issue, at a rate of interest not exceeding five per cent per annum, payable semi-annually or annually at such place or places as the said board of education may determine, and to execute the bonds of said city therefor, in such form as the board of education may determine by a majority vote of all the members of said board elect, and to provide for the payment of the same; and said board is further authorized to negotiate and sell such bonds from time to time upon the best terms for said city as may be obtained: Providing, however, That none of such bonds shall be sold upon any terms that will make the rate of interest upon the price actually received for such bonds, more than five per cent per annum.

May execute bonds.

SEC. 2. The money borrowed under the provisions of this act shall be applied as follows, viz.: To the construction of a school building for the use of said city and for the purchase of a site therefor, to be located in such place in said city as the said board of education may determine.

Proviso.

SEC. 3. It shall be the duty of the city council of the said city of Escanaba to provide by tax upon the taxable property of said city, or from any fund it may have on hand and not otherwise appropriated, for the payment of the said sum of twenty-five thousand dollars, and interest upon all bonds issued under the authority of this act: Provided, That no bonds shall be issued or money borrowed for the purpose of the construction of the said school building or the purchase of said site, until the question of borrowing such sum of money and the issuing of said bonds therefor, shall be submitted to the vote of the electors of said school district, qualified under the laws of this State to vote on questions which directly involve the raising of money by tax for said school district, present at any

Money, how expended.

Council to provide tax for.

Proviso as to submitting question to electors.

general or special meeting appointed and called by the said board of education for the purpose of voting thereon, and unless said bonds shall be authorized by a vote of a majority of said qualified electors voting at such election, voting therefor. Notice of the time and place and object of any such meeting shall be given by publishing such notice in any one of the newspapers of said city of Escanaba, and by posting copies thereof in ten public places in said city at least ten days before the meeting.

*Notice of election.*

This act is ordered to take immediate effect.

Approved April 16, 1903.

[No. 420.]

AN ACT to amend section ten of local act number three hundred ninety-two of the session laws of eighteen hundred ninety-seven, approved April ninth, eighteen hundred ninety-seven, entitled "An act to amend sections five, nine, ten, eleven and thirteen of act number three hundred fourteen of the local acts of session laws of eighteen hundred and eighty-five, approved April second, eighteen hundred eighty-five, entitled 'An act to incorporate the public schools of the township of Bangor, Bay county.'

*The People of the State of Michigan enact:*

SECTION 1. Section ten of act number three hundred ninety-two of the local acts of session laws of eighteen hundred ninety-seven, approved April nine, eighteen hundred eighty-seven, is hereby amended to read as follows:

SEC. 10. All taxes assessed within said township of Bangor Taxes, how for school purposes shall be set forth in the assessment roll of roll. set forth on said township in separate columns apart and distinct from all other taxes. The compensation of trustees of said school district shall be one dollar and fifty cents for each day's actual services rendered for said district: Provided, That no trustee Compensation of trustees. Proviso. shall receive to exceed twenty dollars in any one year.

Approved April 16, 1903.

[No. 421.]

AN ACT to authorize the city of Sault Ste. Marie to aid in the establishment and maintenance of a free ferry between said city and the township of Sugar Island in the county of Chippewa.

*The People of the State of Michigan enact:*

SECTION 1. The city of Sault Ste. Marie is hereby authorized and empowered to aid in the establishment and maintenance of City may build dock.

a free ferry from said city to the township of Sugar Island in the county of Chippewa, by the construction of a dock within said city, to be used for such free ferry purposes, and to expend from time to time such money as the common council of said city may deem necessary to aid in the maintenance of such free ferry between the city of Sault Ste. Marie and the township of Sugar Island, in the county of Chippewa.

Approved April 16, 1903.

[No. 422.]

AN ACT to amend section three of chapter five of act number forty-eight of the Local Acts of eighteen hundred eighty-two, entitled "An act to re-incorporate the city of Manistee," approved March fifteenth, eighteen hundred eighty-two, and to add two new chapters to said act, to stand as chapter thirty-three and chapter thirty-four of said act; and to repeal all parts of said act, and of the amendments thereto, inconsistent herewith.

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. That section three of chapter five of act number forty-eight of the Local Acts of eighteen hundred eighty-two, entitled "An act to re-incorporate the city of Manistee," approved March fifteenth, eighteen hundred eighty-two, be and the same is hereby amended so as to read as follows, and that two new chapters be added to said act to stand as chapter thirty-three and chapter thirty-four.

## CHAPTER V.

Council to appoint certain officers.

SEC. 3. The council shall, on the nomination of the mayor, elect and appoint, by a majority vote of all the aldermen elected, a city attorney, a street commissioner, a city surveyor, a pound master, a harbor master, one assessor, one police and fire commissioner, one water commissioner, and such other officers as the council may from time to time deem necessary, to carry into effect the powers granted by this act. The mayor shall submit to the council his nominations to the above named officers at the meeting of the council on the third Tuesday in April in each year.

## CHAPTER XXXIII.

### THE BOARD OF WATER COMMISSIONERS.

Of whom to consist, term of office, etc.

SECTION 1. Albert Baumann, George R. Ray, John Seymour, William J. Barnhart and Thomas J. Elton, who now constitute the present board of water commissioners, having been by ordi-

nance heretofore duly appointed to such office by the mayor and common council of said city, are hereby named and constituted as the board of water commissioners of the city of Manistee, and as such shall be deemed officers of the city. Each of said commissioners shall hold his office until the third Tuesday in April of the following years respectively, and until his successor is appointed and qualified, such expiration being the same as heretofore fixed by the common council of Manistee, to wit: Albert Baumann, nineteen hundred three; George R. Ray, nineteen hundred four; John Seymour, nineteen hundred five; William J. Barnhart, nineteen hundred six; Thomas J. Elton, nineteen hundred seven.

SEC. 2. On the third Tuesday in April, nineteen hundred three, and annually thereafter, the council shall, on the nomination of the mayor, elect and appoint, by a majority vote of all the aldermen elected, a citizen of said city, being a qualified voter and freeholder, as a commissioner, who shall hold his office for five years, or until his successor shall be appointed and qualified: Provided. That this section shall not be construed as to disqualify any member of said board from re-appointment. And in case of the death or resignation, or removal from the city, or removal from office, of any of the said commissioners, the mayor and council shall, as soon thereafter as possible, and in the manner herein provided, fill such vacancy for the remainder of the term.

SEC. 3. Any member or members of said board may be removed from office for cause, in the same manner as elective officers of said city.

SEC. 4. The said commissioners shall, at their first meeting in May, nineteen hundred three, and annually thereafter, choose from their own number a president, a secretary, and such other officers as they shall deem necessary. In case of a vacancy in any office of the board, said commissioners shall have power to fill the same as in the first instance.

SEC. 5. Each commissioner shall file with the city clerk a bond in the penal sum of two thousand dollars, conditioned for the faithful discharge of his duties, which bond shall be approved by the mayor and chairman of the finance committee of the council, before such commissioner enters upon the duties of his office. And the superintendent and bookkeeper shall each file with the city clerk a bond in such penal sum as the board may determine, which bond shall be approved by the president and secretary of the board, before such employees enter upon the discharge of their respective duties.

SEC. 6. The board shall hold, at such time as they may by resolution prescribe, at least one regular stated meeting in each month for the transaction of business. Special meetings may be called by the president or any two members of the board, at any time, by giving notice to all the members thereof. Three members of the board shall constitute a quorum for the transaction of any business. The board may provide by resolution for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of,

*When council  
to elect mem-  
bers.*

*Proviso.*

*How may be  
removed.*

*To choose  
officers.*

*Commission-  
ers to file  
bonds.*

*Officers to file.*

*When to  
meet.*

*Quorum.*

and report upon such matters as may be referred to them. Such committees shall be appointed by the president. The board shall keep an accurate record of all proceedings, and cause its proceedings to be promptly published in at least one newspaper published in the city.

Compensa-  
tion.

SEC. 7. The president and secretary of the board shall each receive one hundred dollars per annum, and each of the other members of the board shall receive fifty dollars per annum, and no other or further sum shall be paid to any member of said board for his services. The said salaries shall be deemed a part of the operating expenses of said water-works, and shall be paid from the income thereof.

Duties, etc.,  
of board.

SEC. 8. Said board shall have the entire management, control and operation of the water-works of the city, and it shall be the duty of the board to control, operate and manage said water-works, and, except as hereinafter provided, to make and superintend all necessary repairs, extensions, enlargements or improvements thereof; to employ all necessary labor to operate said water-works; to audit and pay all expenses of operating the same, and of the repairs and improvements thereof; and to perform all such other services for the careful and economical operation of said water-works. Said board shall also have such other and further powers not herein granted, as are given to water boards by the general laws of this State, and as are not inconsistent with the powers and rights herein granted.

Employees of.

SEC. 9. The regular employees of said board in the operation of said water-works shall be one superintendent, one book-keeper, who shall be collector and clerk of the board, two engineers, two firemen and one tapper. But the board may employ such additional labor as may become necessary in works of construction, conservation or repair, or in case of emergency. The number of regular employees and their salaries shall not be increased at any time without the authority of the council.

Board to  
adopt system  
of rates.

SEC. 10. The board is hereby authorized and directed to prepare and adopt, as soon as practicable, a system of water rates to be charged to the city and the inhabitants thereof, for water supplied by the water-works. Such rates shall be prepared, with the purpose of securing sufficient revenue from said works to pay all the expenses of operation and repairs, and the water-works bonds and interest thereon, as the same become due; but the rate charged the city for rent of hydrants, shall not exceed one hundred dollars each per annum. The board shall also prepare and adopt rules and regulations for the operation of said water-works, and shall regulate the manner of making connections with water mains, and the use of water. The said rates, rules and regulations may, from time to time, be revised and amended, and shall apply equally to all the inhabitants of the city. When such rates, rules and regulations have been prepared and adopted by the board, it shall cause the same to be printed in convenient form for distribution.

To adopt  
rules, etc.

SEC. 11. All moneys collected or received by the board shall be paid over to the city treasurer upon the day of collection, and shall be kept by the city treasurer, separate and apart from

Moneys col-  
lected, to  
whom paid.

all other city moneys, in a fund to be known as the water-works fund, and no money shall be transferred from said fund to any other city fund, except for the payment of water-works bonds and the interest thereon.

SEC. 12. Moneys shall be drawn from said fund for the payment of all expenses of operating, repairing, conserving and extending said waterworks, only upon the order of the board, signed by the president and secretary thereof, and each order shall show the purpose for which it is drawn. The city treasurer shall not, without the consent of the council, pay any order of the board, if drawn in favor of any member of the board, except those drawn in payment of the salaries of the members of the board provided by section seven of this chapter. Neither the president nor the secretary shall sign or issue any order upon the water-works fund, unless authorized by a vote of the majority of the members of the board.

SEC. 13. If, at any time, there are not sufficient moneys in the water-works fund to pay any of the bonds heretofore issued, or that may hereafter be issued by the city, for water-works purposes, when the same shall become due, the board shall, on or before the first day of September in the year in which such deficiency occurs, certify to the council the amount of such deficiency, and it shall be the duty of the council to raise said amount by a special tax in the same manner as general taxes of the city; said special tax to be designated a water tax; and said amount shall be credited to the water-works fund by the city treasurer: Provided, That in lieu of raising said amount by a special tax, the council may extend the time of payment of said bonds, as provided for other bonds of the city, in section twenty-five of chapter twenty-six of this act.

SEC. 14. When, in the opinion of the board, it becomes necessary to increase the capacity of the water-works, or to construct any new works, or to increase the service of said water-works, involving a total expenditure of more than five thousand dollars in any one year, the board shall, before incurring any expense or liability therefor prepare plans and specifications of the proposed improvement, and estimates of the cost thereof, and report the same to the council for its approval of, and consent to the proposed expenditure.

SEC. 15. The said board shall, on or before March fifteenth in each year, make and file with the city clerk a full and complete report for the year ending on the last day of February, showing the income received from said water-works and the sources thereof; the expenses of operating the water-works; the amount expended for extensions, improvements and repairs, and in the payment of bonds and interest; the amount of money on hand, and the purpose for which held. The finance committee of the council, or other committee appointed by the council for that purpose, shall, upon the filing of said report, audit the books of the board and compare the report with said books, and report their findings to the council, at the first meeting thereof, after said date; and such report shall be published as part of the proceedings at said meeting of the council.

*Expense  
money, how  
drawn.*

*When council  
to raise money  
for, by special  
tax.*

*Proviso.*

*When may  
make improve-  
ments.*

*Who to audit  
books of  
board.*

**Cost of  
special work,  
how paid.**

SEC. 16. In case of any special work being required from said board by the council, such as the lowering of water mains to conform to a change of street grade, or moving any fire hydrant from one place to another, the cost of such special work shall be paid to the board by the council. Fire hydrants shall be placed wherever ordered by the council; and whenever new fire hydrants are ordered to be installed, requiring the extension of one or more water mains, the cost of such extension and hydrants shall, in the first instance, be paid to the board by the council, but as soon as sufficient revenue is derived from private consumers and hydrant rentals from such extensions, the cost of the same shall be repaid to the council by the board.

**Water works,  
ordinances.**

SEC. 17. The council shall have authority to enact such ordinances as they may deem necessary, for the protection of the water-works, and any and all parts thereof, and against the violation of such ordinances may impose therein such fines, penalties and forfeitures as are prescribed in chapter nine of this act.

## CHAPTER XXXIV.

### ELECTROLYSIS.

**Company's  
works not to  
injure city  
property.**

SECTION 1. It shall be the duty of all persons, companies and corporations owning, using, or operating any telegraph, telephone, electric light or street railroad system, or any business or occupation using electricity, to so construct, manage, maintain and operate their plant, works and all connections thereof, as not to injure any water pipe, or any other structure or property of the city, or any other person, company or individual, by means of such electricity causing electrolysis.

**City to have  
right of  
action.**

SEC. 2. Said city of Manistee, or any other person, company or corporation whose property has been injured by any such electrical current, or electrolysis, shall have a right of action against the person, company or corporation so causing or permitting such injury, for all damage, costs and expenses caused thereby.

**Council may  
pass ordi-  
nances rela-  
tive to.**

SEC. 3. For the enforcement of the provisions of this chapter of said act, the city council of the city of Manistee shall have the power, and it is hereby authorized to pass such ordinances as it shall deem necessary therefor, and it may therein prescribe such penalties, fines and forfeitures for the violation or violations thereof as provided in chapter nine of the city charter of the city of Manistee.

**Repealing  
clause.**

SEC. 4. That any and all parts of said act number forty-eight of the local acts of eighteen hundred eighty-two, and of the amendments thereto, in any manner contravening or inconsistent with this act, be, and the same are hereby repealed.

This act is ordered to take immediate effect.

Approved April 16, 1903.

## [No. 423.]

**A**N ACT to authorize the city of Menominee to borrow money for the purpose of paying the cost of paving a part of Main street in said city with brick, and to issue bonds therefor.

*The People of the State of Michigan enact:*

SECTION 1. The council of the city of Menominee is hereby authorized and empowered to borrow on the faith and credit of said city not to exceed the sum of twenty thousand dollars at a rate of interest not to exceed five per cent per annum and to make, issue, negotiate and sell bonds therefor, payable at such time as the council shall determine, for the purpose of paying the cost of paving Main street in said city with brick from the north line of Ogden avenue to the north line of the bridge, commonly known as the drawbridge. *Council may issue bonds.* *Proceeds, how used.*

This act is ordered to take immediate effect.

Approved April 16, 1903.

## [No. 424.]

**A**NN ACT to provide for and fix and limit the compensation, and to prescribe certain duties of the sheriff of the county of Wayne.

*The People of the State of Michigan enact:*

SECTION 1. The sheriff of the county of Wayne shall receive salary. *To be in lieu of fees.* A salary of eight thousand dollars per annum; the said salary of said sheriff shall be in full payment for services performed by said officer for said county, or for the patrons of his office, and shall be in lieu of all fees, commissions or perquisites payable to said officer or his deputies under the laws of the State for the performance or discharge of any duties required by his office, the duties of which he exercises by virtue thereof; and in lieu of all fees or commissions collectible by said officer or his deputies for the performance of the duties of the said office where the said fees are not fixed by law; and that the said officer shall receive no other or further compensation for the duties imposed upon him, but all fees and commissions made payable to or that may be charged by him by virtue of said office, shall be received by and on account of said county.

Sec. 2. The officer whose salary is fixed by this act shall not be entitled to any fees, commissions or added compensation by reason of any new duties hereafter added to the office held by him. *Not entitled to additional compensation.*

Sec. 3. The said sheriff of the said county of Wayne shall receive or collect no other compensation, except the salary above provided, for the performance or discharge of any of the duties *To pay fees to treasurer.*

of the said office, but he shall pay the fees, commissions or charges provided by law to be paid or that he may fix or charge for the performance of such duties or any duties in the said office to the county treasurer on the last Saturday of every month, and the same shall be for the use of said county and placed to the credit of the general fund. Such payment shall in all cases be accompanied with a statement in writing of said officer, of the services rendered and fees collected, and that the same is true in every particular, which statement shall be verified by the oath of the officer making the same that such statement is true.

**Auditors to provide books, etc.**

SEC. 4. The board of auditors of said county shall provide said sheriff with the proper books, blanks and forms for the regular and systematic accounting of all moneys received by him from whatever source. Said board shall provide said officer with blanks, each having a stub attached, bound in book form and consecutively numbered, for all certificates or certified copies of records on which a fee is collectible. Said blanks shall have entered upon their face the amount of the fee collected and for what purpose paid, and shall be a record of the amounts collected by the said officer issuing the same. Said board of county auditors shall also have the power and they are hereby authorized at any time to examine the books and accounts of the said sheriff, and they shall on demand be exhibited to them by said officer. And as often as said board may require, the accounts and vouchers of the said sheriff shall be audited and allowed by them and after the same shall have been audited by said board, it shall not be requisite that such accounts and vouchers be again audited by the board of supervisors. Whenever any moneys are paid to the sheriff of said county by any office or agent of said county, such officer or agent shall take a duplicate receipt therefor, which shall be filed in the office of said board. Said board shall keep an account of all moneys which may be chargeable against said officer, who receives moneys belonging to the said county, and shall keep an account with said officer showing the amounts with which they should be credited, and their accounts shall be so kept that the financial affairs of the county may at any time be ascertained by inspection of the books of said board.

**Board to keep accounts with sheriff.**

**Sheriff to purchase supplies for prisoners.**

SEC. 5. Said officer shall purchase all supplies necessary to provide the prisoners in the county jail with food, bills for which shall be audited by the county auditors of said county, and he shall make a sworn itemized report of the supplies purchased and the average cost per prisoner per day, and number of prisoners under his charge each day, to the board of county auditors on the last Saturday of each month.

**May occupy residence.**

SEC. 6. This act shall not be construed to prevent said sheriff occupying the residence provided for the sheriff at the county jail, free of rent, properly heated and lighted.

**Penalty for failure to comply with act.**

SEC. 7. If said officer shall fail to comply with the provisions of this act he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of not exceeding \$

five hundred dollars or imprisonment in the county jail not exceeding six months.

Sec. 8. All acts or parts of acts, so far as contrary to this <sup>Repealing clause.</sup> act, are hereby repealed.

This act is ordered to take effect January first, nineteen hundred five.

Approved April 16, 1903.

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[No. 425.]

AN ACT to amend section eighteen of act number three hundred seventy-nine of the Local Acts of eighteen hundred ninety-five, entitled "An act to reincorporate the city of Charlotte, and to repeal act number two hundred and fifty of the session laws of Michigan for the year eighteen hundred seventy-one, entitled 'An act to incorporate the city of Charlotte,' approved March twenty-ninth, eighteen hundred seventy-one, and all amendments thereof."

*The People of the State of Michigan enact:*

SECTION 1. Section eighteen of act number three hundred <sup>Section amended.</sup> seventy-nine of the Local Acts of eighteen hundred ninety-five, entitled "An act to reincorporate the city of Charlotte and to repeal act number two hundred fifty of the session laws of Michigan for the year eighteen hundred seventy-one, entitled 'An act to incorporate the city of Charlotte,' approved March twenty-ninth, eighteen hundred seventy-one, and all amendments thereof," is hereby amended so as to read as follows:

SEC. 18. No person shall be elected or appointed to any office <sup>Who eligible to office.</sup> unless he be an elector of the city, and if elected or appointed for a ward he must be an elector thereof: Provided, That <sup>Proviso.</sup> these provisions shall not affect the appointment of members of the board of the free public library and reading room, which appointments shall be subject only to the provisions of the statute under which said free public library and reading room was established.

This act is ordered to take immediate effect.

Approved April 16, 1903.

## [No. 426.]

AN ACT to amend and revise section thirty-five of chapter two of an act, entitled "An act to amend and revise chapters one and two of an act, entitled 'An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith,'" approved June fourth, A. D., eighteen hundred ninety-five.

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section thirty-five of chapter two of an act, entitled "An act to amend and revise chapters one and two of an act, entitled 'An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith,'" approved June fourth, A. D., eighteen hundred ninety-five, is hereby amended so as to read as follows:

Time polls opened and closed.

SEC. 35. The polls of the election shall be open at seven o'clock, local time, in the forenoon, and shall be continued open until eight o'clock, local time, upon the evening of the same day, and no longer, nor shall any adjournment or recess be taken from the opening of the polls until the canvass shall have been completed, and the returns made and signed, and delivered to the proper inspectors as hereinafter provided. At every election the city committee of any party may, by the certificate of its chairman and secretary, in writing, signed by them, designate not more than one elector of said city as witness, and one other elector as challenger, to attend at the election in behalf of such party, and its candidates, whose names are printed on the ticket at each election district, and it shall be the duty of the inspectors of election in every election district to admit the witnesses and challengers so accredited in the inclosure with themselves and the clerks at such election, and place them so near to themselves and the clerks that they can fully and conveniently watch every proceeding of the inspectors and clerks from the time of opening the polls until the counting, certifying and signing of the final returns of the election. Before the opening of the polls, the ballot boxes shall be opened, if requested by either of them, so that the inside and the locks and keys may be inspected by them. No ballot box nor any ballot when taken from it for counting shall be removed or screened from the constant sight of such witnesses or challengers until the counting has been closed and the certificates of the final return completed and signed by the inspectors, and the ballot boxes locked and sealed. The challengers so designated shall be so placed that they can fully see and meet every person offering a ballot to the inspectors, or either of them.

Inspection, etc., of ballot boxes.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Repealing clause.

Approved April 16, 1903.

## [No. 427.]

**AN ACT to create a board of water and lighting commissioners for the village of Gaylord.**

*The People of the State of Michigan enact:*

SECTION 1. The village of Gaylord, county of Otsego, is authorized to create and maintain a board of water and lighting commissioners, consisting of three members, for the purpose of maintaining its water and electric light works, and the entire apparatus connected therewith.

SEC. 2. The creating of such a board of water and lighting commissioners, and a provision for their salaries and the manner of their appointment by the village council shall be done by village ordinance; and the terms of office for each of said commissioners and their duties shall be defined by an ordinance or by ordinances of said village of Gaylord.

SEC. 3. The said village of Gaylord is authorized, by ordinance, to provide for the disbursement of all water and electric light funds by said commissioners.

This act is ordered to take immediate effect.

Approved April 16, 1903.

Village may  
create board.

Council to  
pass ordinance  
for.

Term of  
office.

Disbursement  
of funds.

## [No. 428.]

**AN ACT relative to applications for the locating and establishing of drains in Berrien county.**

*The People of the State of Michigan enact:*

SECTION 1. Hereafter all applications made to the county drain commissioner of Berrien county, for the locating or establishing of any drain in said county, shall be signed by at least a majority of the owners of lands liable to an assessment for benefits to accrue from the construction of the drain asked for.

This act is ordered to take immediate effect.

Approved April 16, 1903.

Applications  
by whom  
signed.

## [No. 429.]

**AN ACT** to detach township number thirty north, range three east, from the township of Hillman in Montmorency county, as the same is now organized, and to create and organize said township number thirty north, range three east, into a new township to be known and designated as the township of Avery.

*The People of the State of Michigan enact:*

Territory de-  
tached organ-  
izing new  
township.

First meeting  
in, where held.

Who to con-  
stitute board  
of inspectors.

Provisions as  
to time of  
holding first  
meeting.

When voters  
may choose  
inspectors.

Who to con-  
stitute board  
of regis-  
tration.

**SECTION 1.** Township number thirty north, range number there east, in the county of Montmorency, is hereby detached from the township of Hillman in said county of Montmorency, as the same is now organized, and created and organized into a new township to be known and designated as the township of Avery, and that the first township meeting for said township of Avery shall be held at the schoolhouse situate on the southwest quarter of the northwest quarter of section ten in said township, on the first Monday in April in the year nineteen hundred three.

**SEC. 2.** Hugh McKinzie, Foster Cameron and James Cameron are hereby made and constituted a board of inspectors of election for said township election, and at such election the qualified electors of such township shall choose by ballot, persons to fill the various offices in manner and form as provided by the general laws of the State in case of township elections.

**SEC. 3.** If for any reason the township meeting provided for in section one shall not be held at the time specified herein for holding the same, it shall be lawful to hold the same at any time thereafter by giving at least fifteen days notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election or a majority of them.

**SEC. 4.** If for any reason all or either of the inspectors here-by appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of the said township who shall be present at the time specified for the opening of the polls of said election, to choose from the electors present, suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend such meeting, and to elect any clerks or officers to serve on the board of inspectors as provided by the general laws for townships.

**SEC. 5.** And the said Hugh McKinzie, Foster Cameron and James Cameron, or a majority of them, shall constitute a board of registration with like powers and duties of township boards of registration in other cases, and the first session of such board of registration shall be held at the said schoolhouse on said section ten in said township at the same time as is provided by the general law of the State in relation to the meeting of boards of registration.

This act is ordered to take immediate effect.

Approved April 22, 1903.

## [No. 430.]

**AN ACT** to divide the township of Ida, in the county of Monroe, into two election districts.

*The People of the State of Michigan enact:*

**SECTION 1.** The township of Ida, in the county of Monroe, is hereby divided into two election districts, as follows: District number one shall consist of sections sixteen to thirty-six inclusive, and the south half of sections thirteen, fourteen and fifteen of the said township of Ida; and district number two shall consist of sections one to twelve inclusive, and the north half of sections thirteen, fourteen and fifteen of the said township of Ida.

Township  
divided into  
districts.

**SEC. 2.** The first election to be held on the first Monday in April, nineteen hundred four, in said district number one, shall be held at the place where the town meetings and elections in said township heretofore have been held; and said election to be held in district number two at some convenient and appropriate place on the west half of the northwest quarter of section two, or on the east half of the northeast quarter of section three, in what is known as Ida village, in said township of Ida.

First elec-  
tion, where  
held.

**SEC. 3.** Said election district shall be subject to all the provisions of chapter ninety-five of the Compiled Laws of eighteen hundred ninety-seven, except the first section thereof, and all elections therein shall be conducted in the manner and by the officers prescribed by said chapter, and the votes cast thereat shall be canvassed in accordance with the requirements of said chapter.

Subject to  
provisions of  
general law.

This act is ordered to take immediate effect.

Approved April 23, 1903.

## [No. 431.]

**AN ACT** to authorize the city of Wyandotte in the county of Wayne to borrow money to be used in the construction and maintenance of a general sewerage system in said city, consisting of main and trunk sewers, and to issue bonds therefor.

*The People of the State of Michigan enact:*

**SECTION 1.** The common council of the city of Wyandotte in the county of Wayne, shall be and is hereby authorized and empowered to borrow on the faith and credit of said city and issue bonds therefor, to an amount not exceeding one hundred and twenty-five thousand dollars which shall be expended in the construction and maintenance of a general sewerage system in said city, consisting of main and trunk sewers within the

Bond issue by  
city.

**Proviso.** limits of said city: Provided, That two-thirds of the qualified electors of said city voting at any annual charter election, or at any special election called for that purpose, after due notice required by law, shall vote therefor.

**Question to be submitted to electors.** SEC. 2. The question of borrowing said sum of one hundred and twenty-five thousand dollars and issuing the bonds of said city therefor, shall be submitted to the electors of said city at any annual charter election, or at a special election called for that purpose as hereinbefore provided. Those who favor the borrowing of said sum and issuance of said bonds shall vote a ballot with the words written or printed thereon: "Sewer loan—Yes," and those opposed thereto shall vote a ballot with the words written or printed thereon: "Sewer loan—No." Such ballots shall be cast, canvassed, and the result thereof certified to in the same manner as is provided by law respecting ballots cast for the officers of said city. If a two-thirds majority of such ballots so cast shall be in favor of borrowing said money and the issuance of said bonds the common council shall be authorized to make and issue said bonds in such sums, not exceeding the aggregate amount hereinbefore limited, and payable at such times, with such rates of interest not exceeding five per cent per annum, as the common council shall direct, and shall be signed by the mayor and city clerk and sealed with the seal of said city, and negotiated by or under the direction of said common council; and the money arising therefrom shall be appropriated in such manner as said common council shall determine, for the purpose aforesaid, and the said common council shall have power and it shall be their duty, to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

**Form of ballot.**

**When bonds may be issued.**

**Proceeds, how used.**

Approved April 23, 1903.

[No. 432.]

AN ACT to authorize the township of Springwells, Wayne county, Michigan, except that part of the territory of said township which lies within the corporate limits of the villages of Delray and Woodmere, to grade, pave, plank, gravel, Macadamize, curb and otherwise improve the highway known as Michigan avenue in said township, and to provide by issuing township bonds and pledging the faith and credit of that part of said township which lies without the corporate limits of the said villages of Delray and Woodmere, the necessary funds therefor.

*The People of the State of Michigan enact:*

Township may pave certain street.

SECTION 1. The township of Springwells, Wayne county, Michigan, except that part of the territory of said township which lies within the corporate limits of the villages of Delray and

Woodmere, is hereby authorized to grade, pave, plank, gravel, Macadamize, curb, drain and otherwise improve the highway known as Michigan avenue in said township, and for the purpose of defraying the expenses thereof to issue township bonds upon the faith and credit of that part of said township which lies without the corporate limits of the said villages of Delray and Woodmere, and levy taxes in the manner hereafter specified, for the repayment of the money obtained upon the sale of said bonds, and the interest thereon: Provided, That not more than *Proviso.* fifty thousand dollars worth of such bonds shall be issued for the purpose aforesaid.

SEC. 2. Whenever the township board of said township of Springwells shall by resolution duly passed, declare that it is expedient to grade, pave, plank, gravel, Macadamize, curb and otherwise improve said Michigan avenue, the said township board and the commissioner of highways of said township, acting together shall cause to be made plans and specifications for the improvement of such highway in the manner declared to be expedient in the resolution aforesaid, and to cause estimates to be made of the cost of such improvement or improvements. From such estimates, said township board and highway commissioner acting together shall determine and fix the amount necessary to be raised for the purpose of improvement or improvements, not exceeding the sum aforesaid.

SEC. 3. The township board shall then submit to the electors of said township who reside without the limits of the villages of Delray and Woodmere, at a special meeting to be called and ordered by the township board in the manner provided by law, the question of issuing bonds for the purpose of making such improvements as are specified in said resolution. The notice of such township meeting shall contain a true copy of the resolution of said township board, declaring the expediency of the proposed improvement and the manner thereof, and the amount determined by said township board and highway commissioner to be necessary for such purpose, not exceeding the sum aforesaid; said notice shall also state the time and place of holding such meeting, and copies thereof shall be posted by the clerk of said township in five conspicuous places in that part of said township which lies without the corporate limits of the said villages of Delray and Woodmere. Special ballots shall be provided for such election or meeting in the following form: "Shall that part of the township of Springwells lying without the corporate limits of the villages of Delray and Woodmere issue bonds to the amount of fifty thousand dollars for the purpose of improving Michigan avenue—Yes." "Shall that part of the township of Springwells lying without the corporate limits of the villages of Delray and Woodmere issue bonds to the amount of fifty thousand dollars for the purpose of improving Michigan avenue—No." The town meeting shall be held and the mode of proceeding at such meeting and the method of canvassing the ballots cast upon said question shall be in the manner provided in the general act relative to township meetings.

*Who to make  
plans, esti-  
mates, etc.*

*Question to  
be submitted  
to electors.*

*Notice of  
election, what  
to contain.*

*Form of  
ballots.*

When bonds may be issued.	SEC. 4. If a majority of the electors of said township, voting upon said question when so submitted, who reside in that part of said township which lies without the limits of the villages of Delray and Woodmere shall vote in favor of issuing said bonds, the township board shall at any regular or special session thereafter determine the form and denomination of the bonds, the length of time they shall run, not exceeding thirty years, the rate of interest they shall bear, not exceeding four per cent per annum, and shall cause such bonds with interest coupons attached, to be issued, signed by the supervisor and the clerk of said township. Such bonds shall be negotiated under the direction of said township board at not less than the face value thereof, and the money received from the sale thereof shall be paid to the treasurer of said township, and there kept in a special fund to be used only for the purpose mentioned in this act.
Rate of interest.	
How negotiated.	
Board to appoint improvement committee.	SEC. 5. Said township board shall before advertising for bids for furnishing the material and doing the work of making the improvement declared to be expedient as aforesaid, appoint three citizens who reside in and who are freeholders in that part of said township which lies without the corporate limits of the said villages of Delray and Woodmere, to act with said township board and highway commissioner in making the improvement aforesaid, and who shall be known as, "The Michigan Avenue Improvement Committee." When said committee shall have been thus appointed, each of the members thereof shall have a vote and voice in advertising for bids and letting the contract or contracts for the making of said improvement, and the powers and duties of each of the members of said committee in making said improvement shall be the same as each of the members of the township board or highway commissioner, and they shall act with the township board and highway commissioner in auditing the claims for the making of said improvement and doing all things else in relation thereto not otherwise specially lodged in the township board or highway commissioner. The members of said committee shall serve without pay or compensation, and their duties shall cease when the improvement is made and the contract accepted.
Powers of.	
Compensation.	
When to advertise for bids.	SEC. 6. After the bonds so issued shall have been sold and the proceeds thereof paid into the fund aforesaid, said township board, highway commissioner and committee aforesaid, shall advertise for bids for furnishing the material and doing the work of making the improvement declared to be expedient as aforesaid in accordance with the plans and specifications therefor, as hereinbefore provided, and shall let the contract therefor to the lowest responsible bidder. The successful bidder shall be required to give a bond in such sum as the township board, highway commissioner and committee aforesaid acting together shall require, conditioned for the furnishing of the material necessary and the doing of said work, in accordance with said plans and specifications and subject to the approval of said township board, commissioner of highways
Contractor to give bonds.	

and committee aforesaid. The township board, commissioner of highways and committee aforesaid shall have the right to determine the details of the contract with such lowest bidder in respect to the time within which the work is to be completed, the method and time of payment, and in all other respects not hereinbefore provided for. Payments upon such contracts shall be made by the township treasurer upon orders of the township board given in the manner provided by law.

SEC. 7. For the purpose of meeting and paying the principal and interest upon the bonds issued in pursuance of this act, and of keeping the highway so improved in repair, a special fund to be known as the "Michigan Avenue Fund" shall be provided by said township board. The commissioner of highways shall each year, in connection with his annual report to the township board as provided by law, also include an estimate of the amount of money which in his judgment will be necessary to keep said highway after it is so improved in repair during the ensuing year. To the sum so reported the said township board shall add a sum sufficient to pay the interest to become due during the ensuing year upon the bonds outstanding, issued in pursuance of this act, and is hereby authorized to raise by assessment upon the taxable property of that portion of said township which lies without the limits of the villages of Delray and Woodmere, the total sum necessary to pay said interest and to keep said highway in repair. Said township board is also authorized to raise by assessment upon the taxable property in that portion of said township which lies without the limits of the villages of Delray and Woodmere, such sum as it shall determine, not exceeding five thousand dollars in any one year, to be placed in a sinking fund for the payment of the principal of said bond so outstanding. The sum so determined shall be assessed, levied and collected in the manner provided for the assessment, levy and collection of other taxes of said township. The fund so raised for repairs shall be used for repairs upon the highway so improved and for no other purpose. The township board is also authorized to pay over to and apply upon said Michigan avenue fund such sums as it may desire to take out of the general funds of said township. Such sums as shall be placed in said fund from time to time for the purpose of meeting and paying the principal of said bonds shall be placed at interest by said township treasurer in a savings bank in the county of Wayne, to be approved by said township board, for the use and benefit of that portion of said township which lies without the limits of the villages aforesaid until such time as said sinking funds shall be used in meeting and paying such bonds.

SEC. 8. The general law relative to highways and townships and all special acts relating to said township, wherever the same may conflict with the provisions of this act, are hereby suspended in their operations so far as the same are in conflict with the terms and provisions of this act.

This act is ordered to take immediate effect.

Approved April 23, 1903.

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[No. 433.]

**AN ACT relative to voting precincts on the islands of North Manitou and South Manitou.**

*The People of the State of Michigan enact:*

Township boards to provide additional precincts.

SECTION 1. It shall be the duty of the township board of Leland township, in the county of Leelanau, to provide for an additional voting precinct on the island of North Manitou, and it shall be the duty of the township board of Glen Arbor township to provide for an additional voting precinct on the island of South Manitou.

Proceedings how governed.

SEC. 2. The proceedings of the township boards of Leland and Glen Arbor under this act and the doings of the boards of registration and election in said townships, after the special arrangements are made for voting places on the islands of North Manitou and South Manitou shall be governed by the provisions of act number two hundred three of the public acts of eighteen hundred seventy-seven, entitled "An act relative to dividing townships and villages into election districts and to provide for the registration of electors in such cases," the same being sections three thousand five hundred eighty-two to three thousand five hundred ninety-four, inclusive, of the Compiled Laws of eighteen hundred ninety-seven.

This act is ordered to take immediate effect.

Approved April 23, 1903.

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[No. 434.]

**AN ACT to vest in the First Presbyterian society of Jonesville, Michigan, the title to the property of its predecessor, the First Presbyterian society of Jonesville, and to provide for the payment of the debts and obligations of said original First Presbyterian society by its said successor.**

*The People of the State of Michigan enact:*

Title to property, etc., to be vested in successor.

SECTION 1. All of the lands, the church building and site, together with the furniture, library, property and effects, both real and personal, of the First Presbyterian society of Jonesville, as originally incorporated, and all the debts and demands due or owing to said First Presbyterian society are hereby transferred to and declared the property of the First Presbyterian society of Jonesville, Michigan, as at present incorporated; and all bonds, debts, dues, obligations and contracts of said original First Presbyterian society are hereby declared the dues, obligations, contracts and debts of the First Presbyterian society, as at present incorporated, and shall be binding upon said First Presbyterian society according to their respective terms and conditions.

This act is ordered to take immediate effect.

Approved April 23, 1903.

## [No. 435.]

AN ACT to authorize the city of Coldwater to build, construct and maintain a system of sanitary sewers for the use of the city of Coldwater and the inhabitants thereof, and to provide for the issuing of bonds for the payment of the same.

*The People of the State of Michigan enact:*

SECTION 1. The city of Coldwater shall have the power to establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in the charter of said city for taking such property for public use. But in all cases where the council shall deem it practicable such sewers and drains shall be constructed in the public streets and grounds.

SEC. 2. The board of public works shall have the management, supervision and control of the sewers, sewerage system and drainage of the city, and the charge of their construction, subject to the general direction and approval of the council as herein provided, and the council may by ordinance prescribe the powers and duties of said board, relating to all matters connected with the sewers, sewerage system and drainage of the city.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city or for any part thereof, it shall be their duty to instruct and direct the board of public works to devise, or cause a plan of such sewerage or drainage to be devised for the whole city, or for such part thereof as they shall determine.

SEC. 4. Such plan shall, in the discretion of the board, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when completed, shall be submitted to the council, and when adopted by the council shall be filed in the office of the clerk of the board.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited, by the construction

City may construct sewers.

Board of public works to have charge of.

Council may direct board to plan.

Plans, how formed.

Where filed.

Division, etc., of sewer districts.

thereof, may be formed of territory not included in any main sewer district.

Council may provide for main sewers.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, and may direct the board of public works to prepare diagrams, or plats thereof, which when approved by the council, shall be recorded in the office of the clerk, in the book of sewer records.

Cost of constructing, etc., how paid.

SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid from the general sewer fund, excepting such portion or portions thereof as the council shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed and taxed in the same manner as hereinafter provided. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral, branch or local sewer constructed within a special sewer district, shall be paid for from the general sewer fund, and the remainder of such costs and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands.

When board of public works to prepare plat.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause the board of public works to prepare, or cause to be prepared, a diagram and plat of the whole sewer district, showing all the streets, public grounds, lands, lots and sub-divisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof, and thereupon the council shall give notice, by publication, for at least two weeks, in one or more of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the board and the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

Council to determine amount to be paid by special assessment.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution designating the district and describing by reference to the plat and diagram thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk, in the book of sewer records.

Special assessments, how made.

SEC. 10. Special assessments for the construction of sewers shall be made by the common council in the manner provided

in the charter of said city for making special assessments for paving of streets.

Sec. 11. When the owner of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a sewer district in such location, and if the lands included in the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Sec. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner hereafter provided for the levying and collecting of special assessments.

Sec. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the board of public works shall prescribe.

Sec. 14. The board of public works may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum as they may deem just in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Sec. 15. Such part of the expenses of providing ditches and improving water courses as the council shall determine, may be defrayed by a special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Sec. 16. The expenses of repairing public sewers, ditches and water courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Sec. 17. All moneys and taxes raised, loaned or appropriated for the purpose of constructing, building, operating and repairing said sewer; and all revenues received and collected in the operation of said sewer shall be paid in and credited to the sewer fund, and shall be applied to the purposes of constructing, building, repairing and operating such sewer and to none other.

When district  
sewers con-  
structed.

When private  
drains to be  
constructed.

When proper-  
ty owners may  
connect with  
sewers.

Sewer tax,  
how collected.

When certain  
improvements  
defrayed by  
special assess-  
ment.

Expenses of  
repairs, how  
paid.

Moneys cred-  
ited to sewer  
fund, how  
applied.

**Ordinances  
for care of.** SEC. 18. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

**When council  
may borrow  
money for  
sewers.** SEC. 19. If the council shall have determined to construct any main sewer in any main sewer district, or any main or trunk sewer, without reference to any sewer district, and if it shall be necessary for the city to borrow money for the payment of the amount determined by the council to be paid from the general sewer fund toward the construction of such sewer in such main sewer district, or for the payment of a trunk sewer to be constructed without reference to a sewer district, then before any further proceedings are had looking toward the construction of such sewer, the council shall cause to be made and recorded in their proceedings an estimate of the amount necessary to be borrowed for such purpose, and the question of borrowing such amount shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in the charter of said city and shall be determined as a majority of the electors voting at such election by ballot shall decide; and if a majority of such electors shall vote for the borrowing of such amount of money, then it shall be lawful for such city to borrow such sum of money not exceeding in all three per cent of the assessed value of the property in such city as shown by the last preceding tax roll, to be used exclusively for such purpose. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this section, and to issue the bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value.

**Time of pay-  
ment, how  
fixed.**

**Repealing  
clause.**

SEC. 20. All acts and parts of acts inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved April 23, 1903.

[No. 436.]

AN ACT to amend section two of act number three hundred seventy-two of the Local Acts of nineteen hundred one, entitled "An act to organize a school district in Springfield township, Kalkaska county, to be known and designated as 'School district number one of township twenty-five north, range six west,' out of the unorganized territory comprising the entire township twenty-five north, range six west."

*The People of the State of Michigan enact:*

**Section  
amended.**

SECTION 1. Section two of act number three hundred seventy-two of the Local Acts of nineteen hundred one, entitled "An act to organize a school district in Springfield township, Kal-

aska county, to be known and designated as 'School district number one of township twenty-five north, range six west,' out of the unorganized territory comprising the entire township twenty-five north, range six west," is hereby amended to read as follows:

SEC. 2. The first meeting of said district may be called by <sup>first meeting,</sup>  
any three taxable inhabitants thereof, notice in writing of <sup>when held.</sup>  
the time and place of holding said meeting, having been previously posted in three public places in the territory comprising said district at least five days before the time designated therein for said meeting, signed by the inhabitants calling the same, at which meeting there shall be elected a moderator, director and treasurer of said district, who shall respectively hold their offices until the annual meeting of said district, to be held the first Monday of September, A. D. nineteen hundred three, when their successors shall be elected.

This act is ordered to take effect July first, nineteen hundred three.

Approved April 23, 1903.

Officers  
elected at

[No. 437.]

AN ACT to provide for the registration of deeds of real estate in the city of Grand Rapids, and certificate of city clerk to be presented therewith, showing payment of taxes on land deeded.

*The People of the State of Michigan enact:*

SECTION 1. No deed of real estate situated within the city of Grand Rapids shall be recorded in the office of the register of deeds of Kent county until there shall have been obtained and presented to said register of deeds, the certificate of the city clerk or city treasurer of said city, showing that all city and highway taxes and all special taxes assessed against the lands covered by such deed, when the time for payment on the said tax or assessment roll had expired, for five years preceding the date of such instrument, had been paid. The said register of deeds shall not record or permit to be recorded any such deed until the said certificate of payment of said taxes has been presented to him. The register of deeds shall note the fact upon said deed that said certificate has or has not been presented to him when such instrument is presented for record, and in case the person presenting such instrument shall refuse to procure such certificate, he shall endorse that fact upon said instrument, over his official signature, and shall refuse to receive and record the same: Provided, That the provisions of this section shall not apply to the filing of any town or village plat for the purpose of incorporation, in so far as the land therein em-

<sup>Proviso as to</sup>  
<sup>village plats.</sup>

braced is included in a plat already filed in the office of the register of deeds, or in so far as the description of lands therein is not changed by such plat, nor to the filing of any copy of the town, village or city plat in case the original plat filed in the office of such register of deeds has been lost or destroyed, nor to any sheriff's or commissioner's deed executed for the sale of lands under any proceeding in law, or by virtue of any decree of any of the courts of this state, nor to any deed of trust by any assignee, executor or corporation executed pursuant to any law of this State, nor to any quit claim deed or other conveyance containing no covenants of warranty; nor to any land patent executed by the president of the United States, or the governor of this State, nor to any tax deed made by the auditor general or the city of Grand Rapids, through its proper officers; nor to any deed executed by any railroad company conveying its right of way, provided such deed is accompanied by a certificate of the auditor general showing that all specific taxes due from said railroad company have been paid, to and including the year in which such deed was executed. A violation of the provisions of this section by said register of deeds shall be deemed a misdemeanor, and upon conviction thereof he shall be fined not to exceed one hundred dollars, and he shall further be liable to the grantee of any instrument so recorded for the amount of damages sustained, to be recovered in an action for debt in any court of this State. That for the making of said certificate there shall be paid to said city clerk or city treasurer the sum of twenty-five cents, which fee shall be paid into the city treasury for the use of said city.

Violation of  
act a misde-  
meanor.

Fee for  
making cer-  
tificate.

This act is ordered to take immediate effect.

Approved April 23, 1903.

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[No. 438.]

AN ACT to amend section fifteen of title nine of act number three hundred seventy-four of the Local Acts of eighteen hundred ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids."

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section fifteen of title nine of the charter of the city of Grand Rapids is hereby amended so as to read as follows:

Under whose  
direction  
public im-  
provements  
to be made.

SEC. 15. The paving, grading, graveling, planking, or covering with other material of all streets, highways, alleys, lanes, courts, sidewalks, public places and public grounds; the construction of all main and lateral sewers, drains, storm sewers or surface drains, culverts, arches and bridges, and all other public works which the common council shall declare by resolution to be necessary public improvements; the constructio

of all wells, pumps, fountains and reservoirs, and the erection and construction of all public buildings in the city, except public school houses, shall be done under the charge and control of the board of public works and upon written contracts entered into by it, except as hereinbefore provided in section thirteen of this title, and under plans and specifications to be prepared by the city engineer, or other person duly authorized so to do, and approved by said board. And when the common council in its resolution declaring the public necessity of the paving or grading of a street, declare as one of the incidentals of the street improvement and part thereof, the construction of a storm water sewer therein (not sanitary sewer) or surface drain, for the purpose of protecting street improvements and the carrying away of the surface water: Provided, That the board of public works or the common council of the city of Grand Rapids shall not allow any person, persons, firm or corporation to use any storm sewer for or in the stead of a sanitary sewer; the same shall be deemed as part of one improvement and the extra cost be paid for in the same manner as all other parts of the improvement. All money appropriated by the common council for such purposes, shall be expended by such board for the purpose designated so far as shall be necessary, to be drawn from time to time, from the appropriate fund, by order of the common council, upon estimates of amounts earned, to be made by the board and reported to the common council, in accordance with the terms of such contract, and no money shall be drawn from the city treasury, under this title, except upon the order of the common council. All contracts prepared in accordance with this section or with this title shall be first submitted to the common council for approval before the adoption and execution thereof, and the common council shall have the power to reject any such contract if it shall see fit so to do. The construction of private driveways from the gutters to the street line, in any street which shall have been improved, or which has been, or may hereafter be ordered to be improved, shall be done under the direction of, and in accordance with the plans adopted by such board.

Relative to certain sew-  
ers.

Proviso.

Money, how  
expended.

Council may  
reject con-  
tracts.

Private drives.

This act is ordered to take immediate effect.

Approved April 23, 1903.

[No. 439.]

AN ACT to authorize the board of trustees of the public schools of the city of Adrian, county of Lenawee, to borrow money and to issue bonds therefor, for the purchase of a site and the erection of a high school building for said district and the furnishing of the same.

*The People of the State of Michigan enact:*

Bond issue  
for school  
buildings.

SECTION 1. The board of trustees of the public schools of the city of Adrian, county of Lenawee, is hereby authorized to borrow on the faith and credit of said school district a sum of money not to exceed two per cent of the assessed valuation of said school district, and to issue the bonds of said school district therefor, the money so borrowed to be used for the purchase of a site and the erection of a high school building for said district, and for the furnishing thereof: Provided, That a majority of the electors of said district who are qualified to vote at the annual school district meetings of said district upon questions relating to the raising of money for school purposes in said district and who are present and voting upon such proposition at an annual meeting or at a special meeting called for that purpose, shall have voted therefor and authorized a specific sum to be so raised.

Proviso.  
Question to be  
submitted to  
electors.

SEC. 2. The board of trustees of said district shall submit the question of the making of such loan to the electors mentioned in section one of this act, at any annual meeting of said district, or at a special meeting called for that purpose, and public notice thereof shall be given by said board of trustees by publishing the same in at least one newspaper printed and circulated in the city of Adrian in said district, at least one week before the time of such meeting, and by causing copies of such notice to be posted up in at least three public places in said district not less than six days before the time of such meeting, which notice shall state that the electors will be called upon at such meeting to vote upon the making of such loan, naming in such notice a specific sum to be so raised: and the said board of trustees is hereby authorized to call a special meeting of such electors, at any time in its discretion for the above named purpose, and by giving the notice aforesaid.

Who to con-  
stitute board  
of inspectors.

SEC. 3. At such annual meeting or at the special meeting provided for in section two, the president, secretary and one member of the board of trustees of said school district shall constitute a board of inspection, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open six hours after the time fixed for the meeting in the notices thereof. The vote shall be by ballot either printed or written, or partly printed or partly written, and such ballots shall be in the following form, namely, "For the loan—Yes," and "For the loan—No," and shall be deposited in a separate ballot box provided for that purpose. At the closing

Form of  
ballot.

of the polls the said inspectors shall canvass the vote cast upon said proposition and shall publicly declare the result and record the same in the school district records.

SEC. 4. If at such meeting a majority of the qualified electors present thereat and voting upon said proposition shall vote in favor of such loan, the board of trustees of said district shall thereupon be authorized to borrow the amount of money so designated in the notice of said meeting and to issue the bonds of the district therefor in denominations not exceeding one thousand dollars each and at a rate of interest not exceeding four per cent per annum and for a period not exceeding twenty-five years, which bonds shall be executed in such form and by such officers and in such manner as said board shall direct.

When bonds may be issued.

Rate of interest.

SEC. 5. If said loan is made under the provisions of this act, the board of trustees of said district is hereby authorized and directed to raise by tax in each year thereafter, in addition to all other school taxes, a sum sufficient to provide for a sinking fund for the payment of the principal and the interest thereof at maturity, said tax to be levied, assessed and collected as other taxes are levied and collected.

Tax to be raised for.

This act is ordered to take immediate effect.

Approved April 23, 1903.

[No. 440.]

AN ACT to authorize the village of Wayne, in the county of Wayne, to borrow money to be used in the purchasing, constructing and maintenance of a general system of water-works in said village, and to issue bonds therefor.

*The People of the State of Michigan enact:*

SECTION 1. The village council of the village of Wayne, in the county of Wayne, shall be and is hereby authorized and empowered to borrow on the faith and credit of said village and issue bonds therefor, to an amount not exceeding thirty-five thousand dollars, which shall be expended in the purchasing, constructing and maintenance of a general water-works system in said village: Provided, That two-thirds of the qualified electors of said village voting at any annual election, or at any special election called for the purpose, after due notice required by law, shall vote therefor.

Bond issue by village.

Proviso.

Sec. 2. The question of borrowing said sum of thirty-five thousand dollars and issuing the bonds of said village therefor, shall be submitted to the electors of said village at any annual election, or at a special election called for that purpose as hereinbefore provided. Those who favor the borrowing of said sum and issuance of said bonds, shall vote a ballot with the

Question to be submitted to electors.

Form of ballot.

**When bonds may be issued.**

**Rate of interest.**

**Money, how used.**

words written or printed thereon: "Water-works loan—Yes," and those opposed thereto shall vote a ballot with the words written or printed thereon: "Water-works loan—No." Such ballots shall be cast, canvassed, and the result thereof certified to in the same manner as is provided by law respecting ballots cast for the officers of said village. If a two-thirds majority of such ballots so cast shall be in favor of borrowing said money and the issuance of said bonds, the village council shall be authorized to make and issue said bonds in such sums, not exceeding the aggregate amount hereinbefore limited, and payment at such times, with such rates of interest not exceeding five per cent per annum, as the village council shall direct, and it shall be signed by the village president and village clerk and sealed with the seal of said village, and negotiated by or under the direction of said village council; and the money arising therefrom shall be appropriated in such manner as said village council shall determine, for the purpose aforesaid, and the said village council shall have power and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved April 23, 1903.

[No. 441.]

AN ACT to authorize the village of Houghton in the county of Houghton to borrow money and issue bonds therefor, for the purpose of adding to and improving the water-works system of said village, and for such other public improvements as may be determined by the common council of said village.

*The People of the State of Michigan enact:*

**Council may borrow money.**

**Proviso.**

SECTION 1. The common council of the village of Houghton shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village from time to time, in such amounts as may be authorized by the electors of said village as hereinafter provided, to an amount not exceeding in the aggregate the sum of one hundred thousand dollars, to be used for the purpose of adding to and improving the water-works system of said village and for such other public improvements as may be determined by the council: Provided. That loans may be made under the authority of this act only when a majority of the qualified electors of said village who are present and voting on such proposition at any annual election or at any special election called for that purpose shall vote therefor.

**SEC. 2.** The common council of said village of Houghton may from time to time submit to the electors of said village a proposition to borrow money under the authority of this act and to issue bonds therefor as herein provided, in such amounts, not exceeding at any one time or in the aggregate the said sum of one hundred thousand dollars, as said common council may determine, which proposition may be submitted at any annual election of said village or at a special election to be called for the purpose; and public notice that said proposition will be so submitted shall be given by order of the common council, signed by the clerk of said village, by publishing the same in a newspaper in said village once in each week for at least two weeks before said election, and by posting a copy of such notice in at least three public places in said village not less than two weeks before said election, and said notice shall state that the electors of said village will be called upon to vote upon such proposition so determined by said council and the said common council is hereby authorized and empowered to call a special election at any time in its discretion for the above named purpose and in the manner aforesaid.

Question to be submitted to electors.

Notice of election.

**SEC. 3.** The said common council may submit such proposition in the manner aforesaid, and in case such proposition is for a less sum than the aggregate above mentioned, the said common council may in its discretion from time to time submit further propositions for further loans under the authority of this act, but not to exceed in all the said sum of one hundred thousand dollars.

Limiting amount of loan.

**SEC. 4.** The vote upon any such proposition under the provisions of this act shall be by ballot, which shall be in substantially the following form:

Form of ballot.

“Vote on Proposition to Borrow Money.”

“Mark or stamp a cross in the appropriate square below.”

“ On the proposition to borrow money—Yes.”

“ On the proposition to borrow money—No.”

And such ballot shall be deposited in a separate ballot box to be labeled “Village Loan,” and the other proceedings had at said election shall be in accordance with the provisions of the election laws of this State applicable to said village.

When bonds may be issued.

**SEC. 5.** When any loan hereunder shall be authorized by a majority of such electors voting on said proposition at such election, the common council of said village is hereby authorized to cause to be issued the coupon bonds of such village, not exceeding the amounts from time to time so authorized and not exceeding in the aggregate the said sum of one hundred thousand dollars, and payable at a time or times not exceeding thirty years, and with such rates of interest not exceeding six per cent per annum as the said common council shall direct, which bonds and the coupons thereof shall be signed by the president and countersigned by the clerk of said village and sealed with the seal of said village and negotiated by or under the direction of said common council, and the money arising therefrom shall be used for the purposes stated

Rate of interest.

**Council to raise tax for.** in section one of this act; and said common council shall have power and it shall be their duty to raise by taxes upon the taxable property of said village such sum or sums of money from time to time as shall be sufficient to pay the amount of said bonds and the interest accruing thereon as the same shall come due or to provide a sinking fund for the payment of said bonds, which taxes so to be assessed shall be in addition to all other taxes which said village is now authorized to raise, and may be denominated in the tax assessment roll and proceedings with regard thereto as "Improvement bond tax."

This act is ordered to take immediate effect.

Approved April 23, 1903.

[No. 442.]

AN ACT to amend section one of chapter seventeen of act number two hundred fifty-one of the Local Acts for the year eighteen hundred ninety-one, entitled "An act to revise and amend the charter of the city of Ishpeming," as amended by act number three hundred seventeen of the Local Acts of eighteen hundred ninety-three and act number four hundred seventeen of the Local Acts of eighteen hundred ninety-seven and act number three hundred fifty-six of the Local Acts of nineteen hundred one, approved March twenty-eighth, nineteen hundred one.

*The People of the State of Michigan enact:*

**Section amended.**

SECTION 1. Section one of chapter seventeen of act number two hundred fifty-one of the Local Acts for the year eighteen hundred ninety-one, entitled "An act to revise and amend the charter of the city of Ishpeming," as amended by act number three hundred seventeen of the Local Acts of eighteen hundred ninety-three and act number four hundred seventeen of the Local Acts of eighteen hundred ninety-seven, and act number three hundred fifty-six of the Local Acts of nineteen hundred one, approved March twenty-eighth, nineteen hundred one, is amended so as to read as follows:

SECTION 1. Said city shall constitute one school district, the boundaries of which shall be the same as the boundaries of the city, and shall be known and called district number one of the city of Ishpeming; and the annual school meeting and election of members of the school board in said district shall be held on the second Monday of September in each year.

This act is ordered to take immediate effect.

Approved April 23, 1903.

**City to constitute single school district.**

[No. 443.]

**AN ACT** to amend section nine of an act, entitled "An act supplemental to the charter of the city of Detroit and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred seventy-four of the Local Acts of eighteen hundred seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit, and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne,' approved May twenty-first, eighteen hundred seventy-nine," approved May eighth, eighteen hundred eighty-nine, as amended.

*The People of the State of Michigan enact:*

**SECTION 1.** Section nine of an act entitled "An act supplemental to the charter of the city of Detroit and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred seventy-four of the Local Acts of eighteen hundred seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit, and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne,' approved May twenty-first, eighteen hundred seventy-nine," approved May eighth, eighteen hundred eighty-nine, as amended, is hereby amended so as to read as follows:

Section amended.

**SEC. 9.** The common council of said city, with the consent of the board of estimates, may cause to be placed upon the general tax roll, and raised by tax the same as other taxes, such sum as they may think proper to be raised for each of the several objects of expenditure, estimated as aforesaid, the maintenance and improvements of said parks, public grounds and boulevards, or for the payment of any other expenses which said commissioner is by this act authorized to incur. For the purpose of the improvement of Belle Isle Park by the erection thereon of a suitable building to be used as a casino, the common council shall have the power, with the approval of the board of estimates, to borrow upon the best terms they can make and for such a time as they may deem expedient, a sum of money, not exceeding one hundred thousand dollars, upon the faith and credit of the city of Detroit, and shall have the authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Park improvement bonds of the city of Detroit," and shall bear interest at a rate not exceeding four per cent per annum, and shall mature in not more than thirty years from date of issue. The common council shall have full authority to provide, by resolution, for the advertising and sale of said bonds and the manner thereof shall conform as near as practicable to the regu-

Council may cause certain amounts placed on tax roll.

May issue bonds for park improvements.

Sale, etc., of.

**Money, how expended.** lations prescribed by law for the issuance of sewer bonds. The moneys so raised, as well as any other moneys received from any source, shall be paid into the city treasury and credited to a fund to be styled the "Park and Boulevard Fund," and shall be expended and paid out only for the purposes approved by the said common council and board of estimates.

This act is ordered to take immediate effect.

Approved April 24, 1903.

[No. 444.]

AN ACT relative to sureties on the bonds of dealers in intoxicating, malt, brewed or fermented liquors, in Charlevoix county.

*The People of the State of Michigan enact:*

**May require certain sureties on liquor bonds.**

**Proviso.**

**Repealing clause.**

SECTION 1. The common councils and the village boards of trustees of the several cities and villages in Charlevoix county are hereby empowered to require that the sureties on all bonds required for the sale of liquors, by the terms of the liquor laws of this State, shall be executed by some surety or guarantee company which is duly authorized to act as surety or guarantor under the insurance laws of this State: Provided, That the provisions of this act shall apply only to cities and villages having a population in excess of fifteen hundred.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.  
Approved April 27, 1903.

[No. 445.]

AN ACT to provide for a county poor physician for the county of Saginaw, fix his compensation, prescribe his duties, and regulate the liability of the county for the care of indigent persons affected with contagious diseases.

*The People of the State of Michigan enact:*

**Poor physician, when elected, term etc.**

SECTION 1. There shall be elected at the general election to be held in November, nineteen hundred four, and biennially thereafter, a county poor physician for the county of Saginaw, who shall hold office for the period of two years from the first day of January, nineteen hundred five, and until his successor

is elected and qualified: Provided, That it is hereby made the duty of the judge of probate, the county treasurer and county clerk for the county of Saginaw, within twenty days after this act shall take effect, to appoint a county poor physician, who shall possess the qualifications as hereinafter set forth, and to fill by appointment any vacancy that may occur in said office by reason of death, resignation, or removal from office, or from the county of Saginaw; said physician shall be a graduate in good standing of any medical institute or college granting diplomas to graduates, and who shall have been in the active practice of his profession for a period of not less than five years prior to his nomination for or appointment to the office of county poor physician for said county.

Sec. 2. Said county poor physician shall take and subscribe the constitutional oath of office within ten days after his election or appointment, and at the same time he shall execute and deliver to the county clerk of said county a bond in the penal sum of two thousand dollars, with two sufficient sureties, conditioned for the faithful discharge of his duties as such county poor physician. Said county poor physician shall receive a salary of twelve hundred dollars per annum, payable monthly out of the general fund of the county and his actual and necessary traveling expenses while engaged in the duties of his office, for said county, together with stationery and postage, the bills therefor, properly certified to and with vouchers attached, shall be presented to the board of supervisors, and by them audited and allowed in the same manner as other bills against the county.

Sec. 3. Said county poor physician shall have a general supervision over all cases of contagious diseases where the person or persons so afflicted shall become a county charge, as hereinafter set forth, to wit: All cases of smallpox, diphtheria, scarlet fever, typhoid fever and measles, where the person so afflicted shall be quarantined by the attending physician, or any local board of health; but, before the county shall become primarily liable for the care and maintenance of any such person or persons, they shall, by themselves, their father, mother, guardian or other person legally liable for their support, make and subscribe an affidavit setting forth that he or they are not the owner or owners of property in excess of the cash value of one thousand dollars, and that they have no other means of support than that of their daily labor; all such affidavits shall be immediately forwarded to the office of the county poor physician.

Sec. 4. On receipt of any affidavit as provided for in section three of this act, said county poor physician shall immediately proceed to supervise the care and maintenance of such poor person or persons, by contracting with any reputable physician in the county for medical attendance, which shall include medicines for the patient, in reasonable amounts, and shall provide a nurse, or nurses, if deemed necessary, and contract with the lowest responsible bidder for the necessary clothing, provi-

an

Proviso as to appointment.

To take oath  
and give bonds.

Salary.

Cases, to have  
supervision of

When poor  
to make  
affidavit.

When may  
give case to  
physician.

**Proviso.** sions and fuel for the proper care of any such patient: Provided, That if any such poor person shall be held in any pest house in said county, together with other persons affected with smallpox, the county of Saginaw shall only be liable for its pro rata share of any expense incurred in caring for said smallpox patients.

**When county liable.** SEC. 5. The county of Saginaw shall not be liable for medical care and maintenance for indigent persons afflicted with contagious diseases, in any other manner than as set forth in section four of this act, nor shall the action of any township, city or village board of health bind the county therefor, but all bills for medical care, medicines furnished, nurse or nurses, clothing, provisions or fuel, shall be endorsed by said county poor physician, but said endorsement shall not be final as to the amounts claimed; said bills when so endorsed and sworn to by the claimants shall be presented to the board of supervisors for the county of Saginaw, and by them audited and allowed, as they may deem just and right as between the claimant and the county.

**Who to audit bills.** SEC. 6. Any person or persons who shall make a false affidavit for the purpose of obtaining relief as contemplated under the provisions of section three of this act, and any person who shall induce by threat or persecution any person or persons to make a false affidavit for the purpose of obtaining relief under the provisions of section three of this act, shall each be deemed equally guilty of the crime of perjury, and on conviction thereof shall be punished as provided by the general statutes of the State for the crime of perjury.

**Penalty for collusion.** SEC. 7. Any county poor physician who shall enter into collusion with any person or persons for the purpose of defrauding the county of Saginaw, either by certifying to the bills of claimants under the provisions of this act, or by making contracts for services, provisions, clothing and fuel, where he shall receive a commission for so doing, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail not less than sixty days nor more than one year, or both such fine and imprisonment in the discretion of the court.

**When prosecuting attorney may investigate.** SEC. 8. Whenever it appears that the county of Saginaw has been defrauded by reason of any illegal contracts made and entered into by the county poor physician, the prosecuting attorney of said county shall immediately cause an investigation to be made, and if it appears that frauds have been committed, he shall at once enter suit against the county poor physician and his bondsmen for the recovery of said amounts.

**Repealing clause.** SEC. 9. All acts or parts of acts in any way inconsistent with or repugnant to the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 29, 1903.

## [No. 446.]

N ACT to amend section seven of chapter three, section thirteen of chapter four, section one of chapter eleven, sections thirty-seven and thirty-nine of chapter twelve, section one of chapter thirteen and section fifteen of chapter fourteen of an act, entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seventh, eighteen hundred ninety-one and acts amendatory thereof; and to repeal all acts or parts of acts contravening the provisions of this act.

. *The People of the State of Michigan enact:*

SECTION 1. Section seven of chapter three, section thirteen of chapter four, section one of chapter eleven, sections thirty-seven and thirty-nine of chapter twelve, section one of chapter thirteen and section fifteen of chapter fourteen of an act, entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seventh, eighteen hundred ninety-one, and acts amendatory thereof are hereby amended to read as follows:

Sections  
amended.

## CHAPTER III.

SEC. 7. The boards of registration of said city prior to the publication of notice of registration before each election, and at their other sessions, shall cancel, or mark to indicate removal, the names of all persons appearing upon the register of electors of their respective wards who have died or removed from the ward; and may reinstate or reregister any names erroneously so canceled or marked. Any such board shall upon application issue to any person a certificate that the name of any person which had been entered in the register of electors of the ward has been canceled or marked thereon to indicate the removal of such person from such ward. No person whose name is or has been within two years upon the register of electors of any ward shall be entitled to have his name entered in the register of electors of any other ward, except upon production of such a certificate as is above provided for.

Registration  
of electors.

## CHAPTER IV.

SEC. 13. The following officers shall be appointed by the mayor and confirmed by the common council on or before the first Monday in May in each year, viz.: One controller who shall be assessor of the city; one marshal; one street commissioner; one city attorney; one health officer, who shall be a registered physician, and who shall be the city physician; one harbor master; one president of the council, who is an alderman and who shall preside at all meetings of the council which

Officers ap-  
pointed by  
mayor.

Council may provide for certain.

he attends in the absence of the mayor. The mayor shall also appoint, subject to the approval of the common council, such other officers as the common council shall determine to be necessary to carry into effect the powers herein granted; and the common council may provide by ordinance for the appointment by the mayor, for such term as may be provided in the ordinance, of a city engineer and of such other city officers, whose election or appointment is not otherwise specifically provided for in this act, as they may deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of such officers shall be prescribed by ordinance.

## CHAPTER XI.

Powers of justices.

**SECTION 1.** The justices of the peace in said city hereinbefore mentioned, shall be deemed justices of the peace in the county of Marquette, and shall have all the powers and jurisdiction given by the general laws of this State, in relation to civil and criminal cases before justices of the peace, in townships, and appeals from their judgments and convictions may be made to the circuit court for the county of Marquette, in the same manner as appeals from justices' judgments and convictions in townships are made: Provided, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts when the plaintiff or defendant, or one of the plaintiffs or defendants, resides at any place in the county of Marquette.

Proviso.

## CHAPTER XII.

Levy and collection of special assessments.

**SEC. 37.** After any special assessment heretofore or hereafter made has become payable, the common council may at any time direct that any or all of the assessments unpaid thereon, and the costs, charges, penalties and interest thereon, shall be collected on the general tax roll. The controller shall levy the amount of such assessment and accrued costs, charges, penalties and interest to be computed by him, upon the respective lots and premises against which such assessments were originally made and against the persons chargeable therewith, if practicable, as a tax on any tax roll on which any city, county or State taxes are thereafter to be levied; and entry of the fact of such levy and designation of the roll on which the same is levied shall be made on the special assessment roll on which such assessment was made. Such levy shall be entered in a column or columns for special assessments, and in case any such assessment cannot be properly or conveniently spread on such tax roll in a column or columns opposite any description of land as listed on such roll, the description of the premises against which such assessment was made, and such assessment against the same, may be entered in any convenient place in

How entered on roll.

such tax roll, in which case a reference to the page of such tax roll where such entry and levy is made shall be entered opposite the description of all lands described in said roll the whole or any portion of which is embraced in such special assessment tax; and thereupon the amount so levied in such roll shall be collected and enforced as a tax with the other taxes in such roll, with the same interest and charges as upon other taxes therein, and shall be returned to the county treasurer and auditor general, if delinquent, in the same manner; and subsequent proceedings shall be had and sales made and deeds given therefor by the auditor general, the same as on sales for other delinquent taxes, with the same force and effect; and said taxes shall continue to be a lien upon the premises assessed until paid. If such special assessment tax be levied against a portion only of any description of land as listed on any such tax roll or against lands embracing any description of land or portion thereof as so listed, it shall not be any objection that any such lands were doubly described in such tax roll, or in any subsequent proceedings based thereon; and in proceedings for the collection of such special assessment taxes or other taxes, or the sale of lands therefor, any such description of land and the taxes against the same may be consolidated or divided in the description and listing of the same for such purposes, as may be necessary or convenient. In case any special assessment or other tax levied on the tax roll of said city has been or shall be erroneously returned to the Auditor General, or any such tax has been or shall be rejected by the Auditor General on account of any error in the return thereof to him by the county treasurer, such tax shall remain a lien on the premises assessed, and the county treasurer, in any such case is and shall be authorized to make additional or supplemental and corrected return of such tax to the Auditor General, at any time; in which case the board of supervisors shall not cause the same to be reassessed; and the Auditor General shall proceed for the collection of such tax as in the case of other delinquent taxes duly returned to him by the county treasurer.

Sec. 39. There shall be added to all special assessments and collected therewith as a part thereof, one per cent thereof, as a collection fee; and all special assessments shall bear interest at the rate of six per cent per annum after thirty days from the date of the confirmation thereof; and collection of such assessments with interest, collection fees and costs, shall be enforced in such manner as the common council shall direct, or as may be provided by the charter or ordinances of the city. The circuit court for the county of Marquette shall have jurisdiction to hear, try and determine suits commenced therein for the foreclosure of the lien of any special assessments. No judgment or decree of any court, nor any act of the common council in relation to any special assessment, shall destroy or impair the lien of the city upon any premises assessed for such amount of the assessment as may be equitably chargeable against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon, together with the interest thereon.

Proceedings  
when assess-  
ment made  
on portion  
of description.

In case of  
errors, etc.

Collection  
fee.

Rate of  
interest.

Judgment  
not to impair  
lien.

## CHAPTER XIII.

Compensa-  
tion of offi-  
cers.

**SECTION 1.** The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: The mayor shall not be entitled to any compensation; the controller, recorder, marshal, city attorney, street commissioner, health officer, harbor master, city engineer and other officers whose compensation is not herein otherwise provided for shall be entitled to receive respectively such sums as the common council may allow, and the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed for similar services; the treasurer, justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding officers, unless in this act otherwise provided; the aldermen shall receive for their services two dollars for each session of the common council which they shall attend, not exceeding fifty dollars each in any year; except when acting upon the board of registration and board of election, for which services they shall receive as follows: For services upon the board of registration three dollars per day; and for services upon the board of election, five dollars for each election. Supervisors and persons other than aldermen serving on either of said boards shall receive the same pay as herein provided for aldermen. Clerks of election shall receive five dollars for each election. Gatekeepers and other officers of election whose compensation is not herein otherwise provided for shall receive three dollars for each election: Provided, That for services in attendance on such committee meetings as the common council shall determine, aldermen may be allowed and paid not to exceed three dollars per meeting for not more than one meeting in each month.

Proviso.

## CHAPTER XIV.

Certain rates  
to be uniform.

**SEC. 15.** All charges for telephone rental or service, electricity, gas, water, steam or other service or commodity employing wires, pipes or other structures located in the streets, alleys or public grounds of the city shall be reasonable and shall be uniform in price and rate of charge to all persons, and all such service shall be furnished upon the same conditions and in the same manner to all persons alike, and the common council is hereby empowered to employ such means and adopt such measures as may be necessary to enforce such uniformity of rates as shall be established by said common council.

Repealing  
clause.

**SEC. 2.** All acts or parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.  
Approved April 30, 1903.

## [No. 447.]

**AN ACT** to amend section ten of title three of act number three hundred seventy-four of the Local Acts of eighteen hundred ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids," by adding a new subdivision thereto to be known as subdivision fifty-ninth.

*The People of the State of Michigan enact:*

**SECTION 1.** Section ten of title three of act number three hundred seventy-four of the Local Acts of eighteen hundred ninety seven, entitled "An act to revise the charter of the city of Grand Rapids," is hereby amended by adding thereto a new subdivision to be known as subdivision fifty-ninth, said section ten as amended to read as follows:

**SEC. 10.** The common council, in addition to the powers and duties specially conferred upon it in this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, it shall have power, within said city, to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it deems desirable, within said city, for the following purposes:

First, To prevent vice and immorality, to preserve public peace and good order, and to prevent and quell riots, disturbances and disorderly assemblages;

Second, To restrain and prevent disorderly and gaming houses, to destroy all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices and to regulate or restrain billiard tables and bowling alleys;

Third, To restrain, license and regulate saloons or other places where intoxicating or spirituous liquors, or malt, brewed or fermented liquors are sold, or to be sold, and to regulate and prescribe the location thereof; to forbid and prevent the vending or other disposition of any intoxicating liquors in violation of the laws of the State. No person shall engage in the business of selling intoxicating or spirituous liquors, or malt, brewed or fermented liquors as aforesaid, until he has first obtained a license therefor by a vote of two-thirds of all the aldermen elect of the common council: Provided, That no license shall be issued to any person for the sale of any such liquors as aforesaid, until he shall have first paid the State tax for the sale of the same;

Fourth, To prohibit, restrain, or regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances, and other exhibitions for money;

Fifth, To abate or remove all nuisances of every kind, and to compel the abatement and removal of the same; to order and compel the owner or occupant of any grocery, tallow chand-

Section  
amended.

Council to  
have charge  
of finances.

May pass cer-  
tain ordi-  
nances.

Relative to  
public peace.  
etc.

Disorderly  
houses, gamb-  
ling, etc.

Saloons.

Prov-o.

Nuisances of  
all kinds.

ler's shop, butcher's stall or shop, soap factory, tannery, stable, privy, water closet, hog pen, sewer or other nauseous or unwholesome house or place to cleanse, remove or abate the same from time to time, as often as the common council may deem necessary. To direct the location of all slaughter houses, rendering places, markets and market places. To prohibit any person from bringing or depositing any dead carcass or any other unwholesome or nauseous substance within the corporate limits of the city; and if any person shall have on any premises, owned or occupied by him, within such limits, any such substances, or any putrid meat, fish, hides or skins of any kind, which are unwholesome, nauseous or offensive, to order and compel the removal thereof, and in case of neglect or refusal of the owner or occupant of such premises to remove or abate the same, to authorize the removal, abatement or destruction thereof by some proper officer of the city. All for the health, comfort, safety and convenience of said city;

**Encumbering  
of streets etc.**

Sixth, To prevent the cumbering of streets, highways, crosswalks, lanes, alleys, courts, public grounds or public places, bridges, aqueducts, wharves or slips in any manner whatever;

**Horses, hitch-  
ing, driving,  
etc., of.**

Seventh, To require any horse, or other animal, attached to any vehicle, or standing in any of the streets, lanes, alleys, highways, courts, or public places or public grounds of said city, to be securely fastened, watched or held, and to secure the proper driving of the same through such streets, lanes, alleys, courts, public grounds or public places; to prevent horse racing and immoderate riding or driving in any such streets, lanes, alleys, courts, public grounds or public places; to authorize the stopping and detaining of any person violating any of the provisions of this subdivision, and to provide for the punishment of any such person;

**Railroads.**

Eighth, To determine and designate the route and grades of any railroad to be laid in said city; and to restrain and regulate the use of locomotives, engines and cars upon railroads within the city; and to compel the owners and managers of such railroads to station flag-men at street crossings, and to make such other rules and regulations concerning such railroads as to secure the safety of the citizens of said city;

**Salubrity of  
waters.**

Ninth, To preserve the salubrity of the waters of Grand River, or other public waters or streams within the corporate limits of said city; to provide for the cleaning of said river of driftwood and other obstructions; to regulate or prohibit bathing in said river, or any such water or streams; and to fill up all low ground or lots covered, or partially covered with water, or to drain the same, as the common council may deem expedient;

**Vagrants.**

Tenth, To restrain drunkards, vagrants, mendicants and street beggars from soliciting alms, and to punish them for so doing;

**Pounds.**

Eleventh, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;

Twelfth, To regulate and prevent the running at large of Dogs. dogs, to prevent dog fights in the streets, and to provide for the destruction of dangerous and vicious dogs; to require the payment of a license by the owner or persons having possession of dogs, and to provide for the imposing of a fine upon such persons for refusing to pay such license;

Thirteenth, To compel all persons to keep the sidewalks in front of premises owned or occupied by them clear from dirt, wood or obstructions, and to compel every owner or occupant of any house or building and every owner or agent of any lot in the city of Grand Rapids, to keep said sidewalks free and clear from snow or ice and not to permit such snow or ice to remain thereon; Cleaning of sidewalks.

Fourteenth, To regulate the ringing of bells, and the crying Auctions. of goods and other commodities for sale at auction or otherwise and to prevent disturbing noises in the streets;

Fifteenth, To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars; Building lines.

Sixteenth, To provide for the preservation of the general General health. health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress diseases generally; to establish a board of health and to prescribe and regulate its powers and duties, subject to the provisions of this act; to regulate the burial of the dead and to compel the return of births and deaths to be made to such board of health, and the return of all burial permits to said board; to provide for a complete record of all births, deaths and interments, to be kept in the office of said board of health;

Seventeenth, To establish and regulate the market and market Markets. places of said city; to regulate the vending of hay, straw, fodder and other food of animals; to regulate the vending of meats, poultry, vegetables, fruits, fish, flour, meal, salt, milk, and all other food or food products, and all kinds of groceries and provisions, sold at wholesale or retail, in packages or otherwise, and to prescribe the time, manner and place for selling the same. To prohibit, prevent and suppress the sale of every kind of nauseous, unsound or unwholesome meat, poultry, vegetables, fruits, fish, flour, meal, salt, milk and all other food or food products, and all kinds of provisions sold by wholesale or retail; to punish all persons who shall sell the same or offer or keep the same for sale. To compel all persons selling milk, or keeping the same for sale, in said city, to procure a license therefor and to be properly registered. To direct and regulate the inspecting and weighing of all meat, poultry, vegetables, fruit, fish, flour, meal, salt, milk and all food or food products, and all kinds of groceries and provisions sold at wholesale or retail, in packages or otherwise. To direct and regulate the Weights and measures.

measuring, gauging or weighing of all groceries, food and food products, liquid or solid, sold by measure, at wholesale or retail, in packages or otherwise. To regulate the weights and measures to be used in said city, and compel every merchant, retailer, trader and dealer in merchandise, groceries, provisions, or articles of every description which are sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of the State. To direct and regulate the inspecting and measuring of wood, lumber, shingles, timber, posts, stone, heading and all building material; the inspecting, weighing and measuring of coke and all kinds of coal, and the inspecting of hay, straw, fodder and other food products for animals. To provide for the appointment of one or more inspectors, measurers, weighers, and gaugers of all products to be inspected, measured, weighed or gauged, and to prescribe and regulate their powers and duties, and to fix their compensation. To punish any person who shall violate any ordinance or other measure or regulation passed by it, in pursuance of the provisions of this subdivision. To impose a reasonable license fee upon the persons engaged in such respective business: Provided, That nothing herein contained shall authorize the common council to restrain in any way or license the sale of fresh [and] or wholesome meat by the quarter, within the corporate limits of said city; nor to prohibit any farmer selling without a license the products of his own farm, within said corporate limits. Nothing herein contained shall be construed to authorize the inspection, weighing, measuring or gauging of any article or product which is to be shipped beyond the limits of this State, except at the request of the owner thereof, or of the agent having charge of the same;

**Proviso.**

Eighteenth. To pass all needful ordinances and regulations governing sextons and undertakers for burying the dead, and scavengers and chimney sweeps, and regulating their compensation, and the fees to be paid by them for licenses;

**Lighting.**

Nineteenth. To provide for and regulate the lighting of streets, highways, alleys, lanes, courts, public places and public grounds and public buildings in the city, and to enter into contracts in relation to the same, provided that no such contract shall extend beyond a period of three years at any one time; to provide for the protection of public lamps and other lighting apparatus of the city, and to employ a suitable person or persons to superintend the same, and to prescribe the duties of such superintendent, and fix the compensation therefor;

**Drunkards,  
etc.**

Twentieth. To provide for the punishment of vagrants and all persons drunk or disorderly on the streets or public places of the city;

**Duties of ap-  
pointive  
officers.**

Twenty-first. To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of said city for the discharge of their duties, and the time for

executing the same, in cases not otherwise provided for by law;

Twenty-second, To provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies, subject to this act; Regulate election, etc., of officers.

Twenty-third, To authorize and regulate the demand and receipt by officers, of such fees and costs, and in such cases as the common council may deem reasonable; Fees, etc.

Twenty-fourth, To provide for public parks and squares, Parks. make, grade, improve and adorn the same, and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same, consistently with the purposes and objects thereof;

Twenty-fifth, To sell or otherwise provide for the disposal of all dirt, filth, manure, cleanings and all other substances, lying in or gathered from the highways, streets, avenues, lanes, courts, alleys and public places and public grounds, to be disposed of by the city of Grand Rapids; to sell or otherwise dispose of all earth to be removed from such highways, streets, avenues, lanes, courts, alleys, public places and public grounds of said city in grading, paving or otherwise improving the same; Disposal of street cleanings.

Twenty-sixth, To provide for and regulate the cleaning of the highways, streets, avenues, lanes, alleys, courts, public places and public grounds, crosswalks and sidewalks in the city; to remove any obstructions therefrom; to prohibit and prevent the exhibition of signs on canvass or otherwise, in and upon any vehicle, standing or moving upon the streets of the city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the suspension of signs thereon; to control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, courts, public grounds and public places within said city shall be used, and to provide for the preservation of and the prevention of injury to the gutters, street, lawns, and parks, in said highways, streets, lanes alleys, courts, public places and public grounds; Care of streets, etc.

Twenty-seventh, To prohibit all practices, amusements and doings in said streets, having a tendency to frighten teams and horses, or dangerous to life and property, and to punish persons indulging therein; to remove or cause to be removed therefrom, all walls and structures that may be liable to fall therein, and in thus falling endanger life or property, or cause bodily harm; and to provide for and regulate the erection and use of suitable hitching posts and blocks in the city; Dangerous practices.

Twenty-eighth, To prohibit and prevent any riot, rout, disorderly noise, disturbance, or assemblage in the streets or elsewhere in the city and to preserve quiet and order therein at all times; Certain walls, etc.

Twenty-ninth, To prohibit or prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings and books, and all indecent or obscene exhibitions or shows of any kind; Obscene pictures, etc.

**Drainage.** Thirtieth, To establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys and public places of said city such bridges, culverts, sewers, drains, and lateral drains and sewers, as the common council may see fit, with a view to the proper draining and sewerage of said city; to compel the owners or occupants of all occupied lots, premises and sub-divisions thereof within said city, to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions and under such regulations as the board of public works may prescribe;

**Taxes.** Thirty-first, To assess, levy and collect an annual assessment or tax on the real and personal property of said city, for the purpose of cleansing and keeping in repair the public sewers of said city;

**Surveying.** Thirty-second, To survey and establish the boundaries of the city and all highways, streets, avenues, lanes, alleys, courts, public parks, squares, public grounds, and public places; to prohibit and remove all incumbrances and encroachments on the same by buildings, fences, or in any other manner; to prohibit the use of barbed wire for fences on street lines, and to regulate its use in other places in said city; to number buildings, the expense of such numbering to be assessed against and collected out of the owner thereof; to regulate the planting, preservation and removal of shade, ornamental or other trees in the public streets, avenues, courts, public grounds and public places, and the trimming and care thereof, and the trimming and care of trees adjoining thereto, in such manner as not to interfere with public travel or obscure public lights thereon, and to require the same to be done at the expense of the owner of the premises adjoining the same; and if such owner shall refuse or neglect, after reasonable notice so to do, to conform to such regulations, to cause such regulations to be carried out and enforced at the expense of the city, and to be assessed upon and to become a lien upon such adjoining premises until paid, and collected in the manner and in accordance with sections nineteen, twenty and twenty-one of title five of this act, for the assessment of the expense of constructing and repairing sidewalks;

**Fences.**

**Numbering of buildings.**

**Shade trees.**

**Plumbing.** Thirty-third, To regulate plumbing, house draining and ventilation, to appoint an inspector of plumbing, and to regulate his duties and provide for his compensation; to direct and regulate the location, construction and alteration of all cellars, slips, barns, private drains, cesspools, sinks, privies and water closets; to compel all owners or occupants of houses or premises to fill up, drain, cleanse, alter, relay or repair the same, and to compel the owners or occupants of houses or premises having water closets attached thereto to use the water from the water mains of the city in order to properly cleanse the same; to compel the owners or occupants of houses or premises to repair or renew all defective, broken or worn out plumbing, and to provide sufficient and proper ventilation.

tion and plumbing in and around their buildings and premises, or cause the same to be done by some proper person designated in the ordinance governing the same, and assess the expense thereof on the lot, building and premises having such cellar, slip, barn, private drain, cesspool, sink, privy or water closet thereon, or having the repairs, renewals and insufficiencies in the drainage, ventilation or plumbing made in the building or on the lot or premises, which assessment shall be a lien on the lot, building and premises and appurtenances thereto, until paid, to be collected in the manner and in accordance with the provisions of sections nineteen, twenty and twenty-one of title five of this act, for the assessment of the expense of constructing and repairing sidewalks; to direct and regulate the construction of lateral sewers or drains for the purpose of effectually draining all lots, cellars, yards, low grounds and sinks within the city, whenever it may be necessary: *Provided*, *Proviso.*

Thirty-fourth, To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, and disorderly houses or places of all kinds; to restrain, suppress and punish the keepers of all such houses and places as aforesaid; to punish common prostitutes and disorderly persons of all kinds; to prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding or abetting in the management, use or practice thereof. To prohibit, restrain or prevent persons from gaming for money or other property or thing, with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments, or device whatsoever, in any building or place in the city, and to punish the person keeping the building, instrument or means for such gaming, and to compel the destruction thereof. To prevent, prohibit and suppress all lotteries for drawing and disposing of money, or any other property or thing whatever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof;

Thirty-fifth, To license and regulate solicitors of guests for soliciting of trade. hotels, taverns, restaurants, public houses or other public places; to license and regulate solicitors for passengers or baggage for the benefit of any railroad, boat, street car, omnibus, stage or other public conveyance. To license and regulate draymen, carmen, truckmen, porters, runners.

drivers of cabs, hackney coaches, omnibuses, stages, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire, and to fix and regulate the amount and rate of their compensation. To prescribe and designate the stands, places and locations in the city, within which all such solicitors and persons as aforesaid may operate, and all such conveyances and vehicles as aforesaid may stand; and to prescribe the stands, places and locations in which all wood, hay, straw, produce and all goods, wares and merchandise of whatever nature, exposed for sale in the city, may stand;

**Auctions.** Thirty-sixth. To license and regulate auctions and auctioneers hawkers, peddlers, pawnbrokers, junk dealers, dealers in second hand goods and merchandise, and transient tradesmen —whoever loans money on deposit or pledges of personal property, or who purchases personal property or choses in action, on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawnbroker. To license and regulate employment agencies and [offices] officers, intelligence offices, labor bureaus, and all persons whose business it is to find employment for others for hire or reward, to require references and bonds to be given by every person, company, corporation or association engaging in such business, before the same shall be licensed, in order that the public and persons dealing with such offices and agencies may be protected; to license and regulate bill posting, the putting up of advertising signs or matter, and the distributing of such matter in the city;

**Employment agencies.** Thirty-seventh. To prohibit and prevent, or license and regulate public exhibitions, by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen and shows of any kind;

**Hotels, etc.** Thirty-eighth. To license and regulate the keepers of hotels, taverns and other public houses, keepers of ordinaries, saloons and victualing houses or places for furnishing meals or food;

**Butchers, hucksters, etc.** Thirty-ninth. To license and regulate butchers, to license and regulate or suppress hucksters, and to license and regulate the keepers of shops, stalls, booths or stands at markets or any other place in said city for the sale of any kind of meat, fish, poultry, vegetables, food or provisions;

**Billiard rooms.** Fortieth. To tax and regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming;

**Paupers.** Forty-first. To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in cars or any other mode to said city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor;

**Burial of paupers.** Forty-second. To provide for the burial of indigent strangers who may have died within the city, and for the burial of poor deceased persons who, before their deaths, resided in the city;

**Forty-third,** To erect and provide for the erection of a city <sup>City hall, etc.</sup> hall and all needful buildings and offices for the use of the corporation, or of its officers, and to control and regulate the same;

**Forty-fourth,** To establish, organize and maintain an alms-<sup>Almshouses.</sup> house department, and to purchase the necessary grounds, erect and provide for the erection of the necessary buildings therefor, either within or without the city limits, and to appoint the necessary officers therefor and provide for the government thereof;

**Forty-fifth,** To establish and build jails, work-houses and <sup>Jails.</sup> houses of correction for the confinement of offenders; to erect and provide for the erection of the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same, and of persons confined therein; to prescribe their powers and duties and provide for their removal from office, and the filling of vacancies;

**Forty-sixth,** To provide for the imprisonment and confinement in said jails, workhouses and houses of correction, or in the common jail of the county of Kent, at hard labor, or otherwise, all persons liable to be by law imprisoned under this act, or under any ordinance of said common council, when ever convicted of a violation thereof by any court having jurisdiction of the same; <sup>Confinement of prisoners.</sup>

**Forty-seventh,** To prescribe and regulate the speed of cars and engines on railroads within the limits of said city, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof; <sup>Speed of cars</sup>

**Forty-eighth,** To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances and regulations of the common council; to direct the manner of issuing and registering the same, and by what officer they may be issued or revoked and to prescribe the sum of money to be paid therefor into the city treasury. No license shall be granted for more than one year and the person receiving the same shall, before the issuance thereof, execute a bond to the city in such penal sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of this act, and the ordinances and regulations of the common council, and otherwise conditioned as the common council may prescribe. The officer authorized to issue said license may inquire into the sufficiency of the sureties on such bonds, by an examination under oath or otherwise, as to their property and responsibility, which oath may be administered by such officer; <sup>Issuance of licenses.</sup>

**Forty-ninth,** To assess, levy and collect taxes for the purpose <sup>Levying of taxes.</sup> of the corporation upon all property made taxable by law for state purposes, which taxes shall be a lien upon the property taxed until paid; and to provide means for carrying into effect the powers herein conferred; to make regulations for assessing, levying and collecting said taxes and to sell the property taxed to pay the taxes thereon;

**Appropriations.** Fiftieth, To appropriate money, provide for the payment of the debt and expenses of said city, and make regulations concerning the same, subject to the provisions of this act;

**Punishment of offenders.** Fifty-first, To provide for the punishment of all offenders for violations of, or offenses against this act, or against any ordinance of the common council enacted in pursuance of the powers herein conferred upon it, or in pursuance of any act of the legislature, by holding to bail for good behavior, by imposing fines, penalties, or forfeitures and costs, or by imprisonment in the jail of Kent county at hard labor, or in any city penitentiary, house of correction, jail or workhouse in the city or in any state house of correction, or the Detroit house of correction, or by both fine and imprisonment in the discretion of the court before whom a conviction may be had. All punishments for offenses against any of the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty, fine or forfeiture shall exceed the sum of five hundred dollars, exclusive of costs, and no imprisonment shall exceed the period of one year. If only a fine, penalty or forfeiture with costs, be imposed, the offender may be sentenced until the payment thereof, for a term not exceeding six months;

**Employment of prisoners.** Fifty-second, To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of the county of Kent, or in any jail, workhouse, or house of correction in said city, at work or labor, either within or without the same, or upon the streets of said city, or any public work under the control of the common council; to allow any person thus confined for the [non] payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;

**Printing, etc.** Fifty-third, To provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as said council may prescribe;

**Census.** Fifty-fourth, To provide for the taking of a census of the inhabitants of said city, whenever the common council may see fit, and to direct and regulate the same;

**Purchase and sale of real estate.** Fifty-fifth, The common council shall have power by concurrent vote of two-thirds of all the aldermen elect of the common council to purchase and sell real estate for the use of the city for corporate purposes. It shall also have power to purchase, hold and use suitable grounds within or without the corporate limits of the city, for the purpose of establishing and maintaining thereon suitable jails, penitentiaries, houses of correction and workhouses for the confinement of offenders, and may provide for the government of the same and of the persons confined therein;

**Depositing of city funds.** Fifty-sixth, The common council shall have power to enter into contracts for the depositing of city funds for a period not exceeding three years and to make contracts for other pur-

poses, wherever authorized to do so by the provisions of this act, but in no instance shall a contract of any nature whatever extend beyond the period of one year from the time of the execution thereof, unless a further time is otherwise provided for in this act;

Fifty-seventh, It shall have power to regulate and license telephone companies, telegraph companies, electric lighting companies, gas companies, and to prescribe certain rules for the regulation thereof; it shall have power in granting any franchise whatever to any individual, individuals, corporation, association or company, to reserve the right to impose and collect reasonable annual license fees, levied by any method except a percentage of the grantee's gross receipts, and not exceeding in any year five per cent of such receipts;

Telephone,  
etc., com-  
panies.

Fifty-eighth, The common council shall have power by the concurrent vote of two-thirds of all the aldermen elect of the common council to obtain by purchase or gift and to hold, improve and properly maintain real estate without the corporate limits of the city for park, driveway and boulevard purposes;

Property for  
parks, etc.,  
outside city.

Fifty-ninth, The common council shall have full power to lay out, establish, improve, embellish, hold, control and maintain parks, driveways and boulevards, without the corporate limits of the city, whenever it shall be determined by the said common council by the concurrent vote of two-thirds of all the aldermen elect that the same is a necessary public improvement, and private property may be taken therefor in the manner provided in this act, or by the general laws of the state: Provided, That no private property without the corporate limits of the city shall be taken under the authority hereby conferred, except such as may be necessary for a boulevard extending from the southerly line of said city, at or near the easterly bank of Grand river along or near the said easterly bank through the township of Wyoming to the west line of said township.

When may  
establish.

Proviso.

This act is ordered to take immediate effect.

Approved April 30, 1903.

[No. 448.]

AN ACT to provide for the election of county drain commissioner in the county of Berrien.

*The People of the State of Michigan enact:*

SECTION 1. At the regular biennial election to be held on the ~~when elected.~~ Tuesday succeeding the first Monday in November, nineteen hundred four, and each two years thereafter, there shall be chosen in Berrien county in this state, by the qualified electors thereof, on the same ticket as the other county officers, a county drain

To take oath  
and file bond.

County clerk,  
to whom to  
report.

commissioner, whose term of office shall begin on the first day of January following his election, and continue for two years. Before entering on the duties of his office, said duly elected drain commissioner shall take and file with the county clerk the constitutional oath of office, and shall also file a bond in the penal sum of five thousand dollars, conditioned on the faithful discharge of the duties of his office, which bond, before filing, shall have been approved by the board of supervisors. It shall be the duty of the county clerk to make report to the secretary of state of the election and qualification of the county drain commissioner, as a part of his report of the election and qualification of the county officers.

This act is ordered to take immediate effect.

Approved April 30, 1903.

[No. 449.]

AN ACT to authorize the board of supervisors of the county of Kalkaska to levy a tax of not to exceed four mills on the dollar on the taxable property of said county for the purpose of constructing a system of county roads.

*The People of the State of Michigan enact:*

May levy mill  
tax.

How  
expended.

SECTION 1. The board of supervisors of the county of Kalkaska may levy a tax of not to exceed four mills on the dollar (inclusive of the amount now authorized by general law) on the taxable property of said county for the purpose of constructing a system of county roads.

SEC. 2. The money raised by this tax shall be collected and paid out in accordance with the general provisions of law relating to a county road tax.

Approved April 30, 1903.

[No. 450.]

AN ACT to create the office of drain assessors in each township of the county of Allegan, to prescribe their duties and fix their compensation, and to repeal all acts or parts of acts conflicting with the terms of this act.

*The People of the State of Michigan enact:*

Drain assess-  
ors, when  
elected.

Duties.

SECTION 1. At the annual township meeting of each township in Allegan county there may be elected two resident freeholders for the term of one year, to be chosen by ballot same as other township officers, who shall be designated drain assessors for their respective townships and who shall constitute, together with the county drain commissioner, a board of assessors, whose duty shall be to make and review all assessments.

for benefits for all drains hereafter established within such townships and in case any such drains traverse more than one township then the drain assessors of the several townships traversed by such drains shall, together with the county drain commissioner, constitute a board of assessors for such drain.

SEC. 2. The said drain assessors shall receive a compensation of two dollars for each day or one dollar for each half day actually and necessarily spent in the discharge of their duties as such.

SEC. 3. The expenses of the said drain assessors shall be audited and allowed by the township board, and paid out of the contingent fund of the township.

Approved April 30, 1903.

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[No. 451.]

**AN ACT to authorize the fire commission of the city of Detroit to grant a pension to Mary Neville.**

*The People of the State of Michigan enact:*

SECTION 1. The fire commission of the city of Detroit is hereby authorized in their discretion and if, after due investigation, they deem it best so to do, to grant and pay a pension to Mary Neville, widow of Michael J. Neville, who, while serving as a member of the fire department of the city of Detroit, received injuries on March eighteenth, in the year eighteen hundred and ninety-one, which resulted in his death on April nineteen, eighteen hundred and ninety-three, in the same manner and to the same extent as though said Michael J. Neville had died within one year after receiving such injuries, as provided in "An act to provide for the retirement of aged and disabled firemen and for the payment of pensions to the wives and children of deceased firemen killed in the service of the city of Detroit," approved June sixteenth, eighteen hundred and eighty-five.

Fire commission may grant pensions.

This act is ordered to take immediate effect.

Approved April 30, 1903.

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[No. 452.]

**AN ACT relative to the payment of special assessments for paving, in the village of Charlevoix, in Charlevoix county.**

*The People of the State of Michigan enact:*

SECTION 1. In the village of Charlevoix, in Charlevoix county, special assessment rolls to defray the cost of street paving, may be made in ten parts, if the council of said village

Rolls to be made in ten parts.

shall so determine by resolution adopted by a two-thirds vote of the councilmen elect, instead of five parts as provided in section twenty-two of chapter eight, as added to act number three of the Public Acts of eighteen hundred ninety-five, by act number thirty-nine of the Public Acts of eighteen hundred ninety-nine, entitled "An act to amend chapter eight of an act, entitled 'An act to provide for the incorporation of villages within the state of Michigan and defining their powers and duties,' approved February nineteen, eighteen hundred ninety-five, by adding a section thereto to stand as section twenty-two." The method and rules for the collection and payment of "deferred payments," as set forth in said section twenty-two, shall be obligatory in the case of the village of Charlevoix, which by this act is permitted to allow persons who are liable for special assessments for street paving, to pay each year for ten years, one-tenth of the amount for which they are liable, with interest on all amounts unpaid, instead of being limited to five years in which to pay such assessments.

This act is ordered to take immediate effect.

Approved May 4, 1903.

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[No. 453.]

AN ACT to authorize the board of education of the city of Saginaw, east side, county of Saginaw and state of Michigan, to borrow money and issue bonds in the sum of forty thousand dollars, to be used in the erection and equipping of a manual training high school, with a gymnasium and swimming-pool in connection therewith, in the eastern taxing district of the city of Saginaw, and in the purchase of a site therefor.

*The People of the State of Michigan enact:*

Amount may borrow.

SECTION 1. The board of education of the city of Saginaw, east side, from and after the passage of this act, is hereby authorized and empowered to borrow on the faith and credit of said city, a sum of money not exceeding forty thousand dollars, for a term not in excess of ten years from date of issue, at a rate of interest not exceeding five per cent per annum, payable semi-annually or annually at such place or places as the said board of education may determine, and to make and execute the bonds of the eastern taxing district of said city therefor, in such form as the board of education may, by a majority vote of all the members of said board elect, determine, and to provide for the payment of the same; and said board of education is further authorized to issue, negotiate and sell such bonds from time to time upon the best terms for such eastern taxing district.

Rate of interest.

May execute bonds.

said city as may be obtained: Provided, however, That no such <sup>Proviso.</sup> bonds shall be sold upon any terms that will make the rate of interest upon the price actually received for such bonds more than five per cent per annum.

Sec. 2. The money borrowed under the provisions of this <sup>Moneys, how used.</sup> act shall be applied as follows, viz.: To the construction and equipment of a manual training high school building with gymnasium and swimming-pool in connection therewith, for the use of the eastern taxing district of said city, and for the purchase of a site therefor, to be located in such place in the eastern taxing district of said city as the said board of education may determine.

Sec. 3. Said board of education shall have the power and it shall be its duty to raise by tax upon the taxable property <sup>Board may raise tax to pay.</sup> of the eastern taxing district of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due as hereinbefore stated, and said board shall by resolution, determine from time to time the amount or amounts due and owing on said bonds in the same manner as is now provided for the raising of money for other school purposes in section nine of the charter of the board of education of the city of Saginaw, east side, and whenever the said board shall have made the estimates, by resolution, of the amount due on said bonds, the secretary of the board shall certify the same to the assessor or other proper officer or officers of said city of Saginaw, whose duty it may be to assess and extend the taxes of said city, and the said city assessor or other officer or officers whose duty it shall be to extend the ordinary city taxes, shall levy the sum or sums so determined and certified to him as the amount due on said bonds, upon the taxable property of the school district, at the same time and in the same manner as the taxes for other city purposes are assessed, and when collected be placed in a separate column on said rolls from any other taxes, to be headed "School Tax," and shall become and remain a lien upon the property on which the same is levied, in the same cases, to the same extent, and in like manner, and shall be collected in the same manner as is provided for taxes raised for ordinary city purposes. Said moneys shall be distributed and expended by the authority of said board for the purposes for which they were raised, and for no other.

This act is ordered to take immediate effect.

Approved May 6, 1903.

## [No. 454.]

AN ACT to amend sections one and ten of chapter five; section twenty of chapter six; section one of chapter nineteen, of act number three hundred one of the Local Acts of eighteen hundred seventy-five, entitled "An act to reincorporate the city of Lapeer," approved April first, eighteen hundred seventy-five, and acts amendatory thereof, and to repeal all acts or parts of acts contravening the provisions of this act.

*The People of the State of Michigan enact:*

Sections amended.

SECTION 1. Sections one and ten of chapter five; section twenty of chapter six; section one of chapter nineteen of act number three hundred one of the Local Acts of eighteen hundred seventy-five, entitled "An act to reincorporate the city of Lapeer," approved April first, eighteen hundred seventy-five, and acts amendatory thereof be and they are hereby amended to read as follows:

## CHAPTER V.

Powers and duties of mayor.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall sign all orders drawn by the clerk and payable from the city funds. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws regulating the city, and the ordinances and regulations of the council are enforced.

Powers and duties of treasurer.

SEC. 10. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the mayor and countersigned by the clerk, which shall specify the purposes for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and have the name of such fund indorsed thereon by the clerk.

## CHAPTER VI.

Auditing of accounts by council.

SEC. 20. The council shall audit and allow all accounts chargeable against the city; but no account or claim or contract shall be received for audit or allowance unless it shall be

accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just and that to the best of his knowledge and belief no set off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. and every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city for personal injuries or otherwise, that it has never been presented, certified to or verified, as aforesaid, to the council for allowance; or if such claim is founded on contract, that the same was presented without the certificate or affidavit aforesaid, and rejected for that reason; or, that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

## CHAPTER XIX.

**SECTION 1.** The council shall have supervision of all of the public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair and free from nuisance: Provided, however, The city shall not be liable in damages sustained by any person, either to his person or property, by reason of any defective street, sidewalk, crosswalk or public highway, or by reason of any obstruction, ice, snow or other incumbrance upon such street, sidewalk, crosswalk, or public highway situated in the corporation, unless such person shall serve or cause to be served within sixty days after such injury shall have occurred, a notice in writing upon the city clerk, which notice shall set forth substantially the time when and the place where such injury took place, the manner in which it occurred and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him.

Council to have supervision of highways, etc.

Proviso as to damages.

This act is ordered to take immediate effect.

Approved May 7, 1903.

## [No. 455.]

AN ACT to authorize the township of Whitney in the county of Arenac, and state of Michigan, to borrow money and issue its bonds therefor for the purpose of building a bridge or bridges across the Au Gres river in said township and to provide a tax for the payment of said bonds and the interest thereon.

*The People of the State of Michigan enact:*

Bond issue for  
bridge by  
township.

SECTION 1. The township board of the township of Whitney in the county of Arenac, and state of Michigan, is hereby authorized and empowered to borrow a sum of not exceeding twenty-five hundred dollars, on the faith and credit of said township, and issue its bonds therefor, payable at such times and in such manner as the township board of said township shall direct and bearing a rate of interest not exceeding six per cent per annum, payable annually, which money shall be expended for the building of a bridge or bridges across the Au Gres river in said township.

Question to be  
submitted to  
electors.

SEC. 2. Such money shall not be borrowed nor such bonds issued, unless a majority of the qualified electors of said township voting at a special township meeting in said township to be called or ordered by the township board of said township, at any time after the taking effect of this act shall vote in favor of said proposition; and the said township board is hereby authorized and empowered to submit the question of said loan to the qualified electors of said township, at such special township meeting, giving due notice thereof, by causing the date, place of voting, and object of said election to be stated in printed or written notices, posted in at least five public places in said township not less than twelve days prior to said election, which notices shall state the amount of money proposed to be borrowed.

Form of  
ballot.

SEC. 3. The proposition of issuing the said bonds provided for in section one of this act, shall be submitted to the electors by ballot, which ballot shall be written or printed, or partly written and partly printed, and of the following form:

For issuing township bonds—Yes. [ ]

For issuing township bonds—No. [ ]

Canvass of  
votes.

Said vote shall be canvassed the same as the ordinary vote cast at township meetings, and if, upon the canvassing of said vote, it shall be found that a majority of the electors voting upon such proposition have voted in favor of said proposition, then said township board shall be authorized to issue the bonds of said township as provided for in the first section of this act.

Tax to pay  
bonds, how  
raised.

SEC. 4. It shall be the duty of the township board of said township to raise by tax upon the taxable property of said township, in each year thereafter, in addition to any taxes now authorized by law, to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and to pay the principal when due.

SEC. 5. The interest upon such bonds shall be payable by ~~when paid~~ the treasurer of said township after the same shall become due on presentation to him of the proper coupons, and the said principal shall be payable by the said treasurer after the same shall become due upon presentation to him of the proper bonds.

This act is ordered to take immediate effect.

Approved May 7, 1903.

[No. 456.]

**AN ACT** to authorize the township of Au Gres in the county of Arenac, and state of Michigan, to borrow money and issue its bonds therefor for the purpose of building a bridge or bridges across the Au Gres river in said township, and to repair the East Saginaw and Au Sable state roads in said township, and to provide a tax for the payment of said bonds and the interest thereon.

*The People of the State of Michigan enact:*

SECTION 1. The township board of the township of Au Gres in the county of Arenac, and state of Michigan, is hereby authorized and empowered to borrow a sum of not exceeding twenty-five hundred dollars, on the faith and credit of said township, and to issue its bonds therefor, payable at such times and in such manner as the township board of said township shall direct and bearing a rate of interest not exceeding six per cent per annum, payable annually, which money shall be expended for the building of a bridge or bridges across the Au Gres river in said township, and to repair the East Saginaw and Au Sable state road in said township.

SEC. 2. Such money shall not be borrowed nor such bonds issued, unless a majority of the qualified electors of said township voting at a special township meeting in said township called or ordered by the township board of said township, at any time after the taking effect of this act shall vote in favor of said proposition; and the said township board is hereby authorized and empowered to submit the question of said loan to the qualified electors of said township, at such special township meeting, giving due notice thereof, by causing the date, place of voting, and object of said election to be stated in printed or written notices, posted in at least five public places in said township not less than twelve days prior to said election, which notices shall state the amount of money proposed to be borrowed.

SEC. 3. The proposition of issuing the said bonds provided for in section one of this act, shall be submitted to the electors by ballot, which ballot shall be written or printed, or partly written and partly printed, and of the following form:

For issuing township bonds—Yes. [ ]

For issuing township bonds—No. [ ]

**Canvass of votes.** Said vote shall be canvassed the same as the ordinary vote cast at township meetings, and if, upon the canvassing of said vote, it shall be found that a majority of the electors voting upon said proposition have voted in favor of said proposition, the said township board shall be authorized to issue the bonds of said township as provided for in the first section of this act.

**Tax to pay bonds, how raised.** SEC. 4. It shall be the duty of the township board of said township, to raise by tax upon the taxable property of said township, in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds, accruing and becoming payable thereon, and to pay the principal when due.

**When paid.** SEC. 5. The interest upon such bonds shall be payable by the treasurer of said township after the same shall become due on presentation to him of the proper coupons, and the said principal shall be payable by the said treasurer after the same shall become due upon presentation and surrender to him of the said bonds.

This act is ordered to take immediate effect.

Approved May 7, 1903.

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[No. 457.]

AN ACT to reincorporate school district number one of the city of Ann Arbor.

*The People of the State of Michigan enact:*

**To constitute single district.** SECTION 1. The city of Ann Arbor, and such contiguous territory as is now, or hereafter may be, thereunto annexed for school purposes, shall constitute a single school district and shall be known and designated as the Public Schools of the City of Ann Arbor, and such district shall have all the powers and privileges conferred upon school districts by the general law, and in addition thereto such powers and privileges as have by special enactment been conferred upon it, under the name "School District number eleven of the city and township of Ann Arbor," and of school district number one of the city of Ann Arbor, to all the rights and obligations of which districts it shall succeed.

**Election of members of board of education.** SEC. 2. At the annual meeting of the said district, to be held on the second Monday of September next, the qualified voters thereof shall elect, by ballot, three members of the board of education for the term of three years, who with the six members holding over will constitute a board of nine, and annually thereafter, in the same manner, they shall elect three members who shall hold their office three years, and until their successors shall be elected and qualified.

**SEC. 3.** Within ten days after each annual meeting of the Powers and board of trustees, hereafter to be known as the board of education, shall meet to elect from their own number a president and appoint a person or persons to act as secretary and treasurer, who shall severally hold their office one year, and until their successors are duly elected, and whose powers and duties shall be the same as those conferred upon and required of the moderator, director and assessor of school districts in this state, except so far as the same are varied by this act, or other acts relating to said district, and who shall be ex officio school inspectors of the city of Ann Arbor, with the powers and duties of school inspectors of townships, and shall make their reports directly to the clerk of the county of Washtenaw. Said board of education shall have the power to fill any vacancies which may occur in their number, by resignation or otherwise, or in the officers elected by them, and the secretary of said board of education shall, within five days after such election, or the filling of any vacancy, file with the city clerk of the city of Ann Arbor a certificate of such election or of the filling of such vacancy. Said board of education shall, before hiring any teacher, examine into his or her qualifications, and all teachers employed by said board shall be considered legally qualified teachers, without further examination by the school inspectors.

**SEC. 4.** Said board shall have power to appoint a superintendent of schools, and to define his powers and duties, to hire all necessary teachers and fix the amount of their compensation; to classify and grade the several schools, and to determine the ages and qualifications for admission thereto, and the conditions for remaining therein, and which schools or departments pupils shall attend; to adopt courses of study and text books; to make such rules and by-laws as they may deem necessary for the preservation of the property of the district, for the government of the schools thereof, and in reference to all other business connected therewith; and also to levy and collect such sums as they may deem proper for the tuition of each and every pupil taught in said schools who is not actually a resident of the district; and for the tuition of each and every pupil taught in the high school whose parents or guardians have not actually resided in said district three months previous to the beginning of the current school year; but school taxes paid by non-resident parents or guardians upon property in said city shall be deducted from such tuition charges made against them.

**SEC. 5.** The qualified voters of said district may, by a majority vote of those present and voting at any annual meeting, or at any special meeting called for such purpose, raise by tax upon the taxable property of the district such sum or sums as shall be necessary to purchase lots, build school houses, and furnish the same, provide apparatus and fuel, pay for repairs and all incidental expenses and make the several schools of the district free of tuition in all English branches to the resident scholars thereof; and at any annual meeting or regularly called special meeting by a majority vote, such qualified voters

Tax for  
school pur-  
poses, how  
raised.

**Proviso.** may authorize the board of education to borrow money on the bonds of the district for such term of years, and at such rate of interest, as the meeting may direct, not to exceed six per cent per annum, for the purpose of building school houses and making additions thereto, or for the payment of bonds to become due: Provided, That such indebtedness shall at no time exceed three-fourths of one per cent of the valuation of the district.

**Treasurer to give bonds.** SEC. 6. The treasurer of said district shall give bonds in such sum as the board of education shall annually direct, and the secretary shall have power, in the name of the district, to collect all moneys due for tuition of scholars who are not actual residents thereof, or for tuition of resident scholars in such branches and studies as the board of education shall make chargeable against them, and for any damage done to the property of the district, by suit at law, under the direction of the board of education.

**To keep records.** SEC. 7. The board of education shall require the secretary to keep a record of its proceedings, and of the rules and by-laws it may from time to time enact, and shall cause the rules and by-laws it shall make for the government of the schools, and also notice of their alteration or repeal, to be published for one week, in at least one paper printed and circulated in the city of Ann Arbor.

**Forfeit for not accepting office.** SEC. 8. Any person elected to the office of the member of the board of education who, without sufficient cause, shall neglect or refuse to accept such office and discharge the duties thereof, shall forfeit, for the use of said district, the sum of ten dollars: Provided, That no person shall be compelled to serve two terms successively; and said board of education shall have power to make all needful rules and regulations relative to its proceedings.

**Repealing clause.** SEC. 9. All acts and parts of acts, general or special, conflicting with the provisions of this act, shall not be binding upon said district.

This act is ordered to take immediate effect.

Approved May 7, 1903.

[No. 458.]

AN ACT to legalize the action of the township board of the township of Egleston, Muskegon county, in voting to issue certain orders on the treasurer of said township in payment for money loaned said township, and to declare said orders legal and proper claims against said township, and to provide for the payment of the same.

*The People of the State of Michigan enact:*

**Action of board legalized.** SECTION 1. The action of the township board of the township of Egleston, Muskegon county, Michigan, in voting to

issue order number one hundred seventy, dated September second, eighteen hundred ninety-five, due March first, eighteen hundred ninety-seven, payable to Anthony Christian or bearer, the sum of two hundred dollars, with interest at eight per cent per annum, signed by W. E. Moore, supervisor, and Charles Barry, clerk, and in voting to issue order number four hundred forty, dated May twenty-fifth, eighteen hundred ninety-nine, payable to Anthony Christian or bearer, the sum of one hundred and thirty-five dollars with interest at seven per cent per annum, signed by W. E. Moore, supervisor, and Geo. A. Garvey, clerk, and in voting to issue order number four hundred forty-nine, dated June tenth, eighteen hundred ninety-nine, payable to Anthony Christian or bearer, the sum of one hundred dollars with interest at seven per cent per annum, signed by W. E. Moore, supervisor, and Geo. A. Garvey, clerk, and in voting to issue order number four hundred seventy, dated April third, nineteen hundred, due February first, nineteen hundred one, payable to Muskegon Savings Bank at Muskegon, or bearer, the sum of four hundred dollars, with interest at seven per cent per annum, signed by W. E. Moore, supervisor, and Charles Barry, clerk; all of said orders being directed to the treasurer of said township, and for money loaned to said township, and having been delivered to said payees named therein, is hereby ratified and declared legal and binding upon said township, and said orders are legal and proper claims against said township.

SEC. 2. The township treasurer of said township of Egleston shall pay and discharge said orders out of the funds drawn against, in said orders named. Duty of treasurer.

SEC. 3. The township board of said township of Egleston may negotiate a loan for the amount necessary to pay and discharge said orders, and issue its order or orders on the treasurer for the same, payable not more than three years from the date thereof, and with interest at seven per cent per annum. Board may borrow money.

This act is ordered to take immediate effect.

Approved May 7, 1903.

[No. 459.]

**AN ACT** to provide a salary and to prescribe certain duties of the circuit court commissioner of Iron county.

*The People of the State of Michigan enact:*

SECTION 1. The board of supervisors of the county of Iron shall provide a docket for the circuit court commissioner of said county, and also all necessary books, blanks and stationery for the use of such commissioner. Who to provide docket, etc.

SEC. 2. From and after the first day of January, in the year one thousand nine hundred three, the said commissioner shall receive from the treasury of the county of Iron such compensation, how fixed.

**To be in lieu  
of fees.**

compensation as the board of supervisors may deem just, payable monthly on the order of the county clerk of said county; which salary shall be in lieu of all fees, commissions and perquisites payable to him under the laws of this state for the performance and discharge of any duties required by his office, or any office, the duties of which he exercises by virtue thereof; and the said commissioner shall receive no other or further compensation for the duties imposed upon him, but all fees and commissions made payable to, or that may be charged by him by virtue of said office, shall be received by and on account of said county.

**Duties of  
commissioner.**

SEC. 3. It shall be the duty of the said commissioner to keep a true record of all business done by him, and to enter all judgments and orders made by him in said docket, which docket and all other books and files pertaining to said office are hereby declared to be public property, and to be open for inspection during office hours by any person; but no person shall be permitted to remove any of said records from the office of such commissioner. The said commissioner shall receive all costs and dues of every description which are provided by law in all proceedings before him, and shall pay the same monthly to the treasurer of said county and take his receipt therefor: Provided, That for the taking of testimony in all cases referred to such circuit court commissioner, or by law required to be taken by him, no fees shall be charged except the actual cost of stenographic work and transcribing, not to exceed ten cents per folio for originals and four cents per folio for each copy, which amounts shall be paid and belong to the said commissioner for the testimony so taken.

**Amount to be  
paid before  
commencing  
certain suits.**

SEC. 4. Before any action or proceeding for the recovery of lands or buildings shall be commenced before said commissioner, there shall be paid to him by the party bringing the same, the sum of one and fifty one-hundredths dollars, and before the hearing of any such action or proceeding shall be commenced, the further sum of two and fifty one-hundredths dollars, and either party demanding a jury shall advance the fee therefor, and the same shall be disposed of as is now provided by law in justices' courts; and, before any affidavit on appeal or writ of certiorari shall be served on such commissioner, in addition to the costs now provided by law for making return to appeals or certiorari, the further sum of five dollars shall be paid to said commissioner by the appellant or plaintiff in error, and said commissioner shall pay the entry fee in the circuit court, and at the same time file therein the return to the appeal or certiorari, as the case may be. The moneys so paid shall be for the use of the said county, and shall be held in full of all fees now allowed by law to said commissioner from the commencement of such proceeding to and including the issuing of such final process as may be necessary to give effect to an order or judgment of such commissioner. The sum or sums so paid, including an attorney fee of five dollars and jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing

**Certain  
amounts  
taxed as costs.**

party in the action or proceeding, in addition to any other to which he may be entitled by law. Any cause or proceeding pending before or referred to said commissioner in said county at the time this act goes into effect, shall be heard and disposed of according to the law and practice now in force.

SEC. 5. All acts or parts of acts in anywise contravening the Repealing clause provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 7, 1903.

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[No. 460.]

AN ACT to amend act number two hundred eighty-one of the Local Acts of nineteen hundred one, being "An act to provide for the control by the board of supervisors of Jackson county of certain classified index or abstract books, and for the making and maintenance thereof and for the use thereof by the public."

*The People of the State of Michigan enact:*

SECTION 1. Act number two hundred eighty-one of the Local ~~Act amended.~~ Acts of nineteen hundred one, being "An act to provide for the control by the board of supervisors of Jackson county of certain classified index or abstract books, and for the making and maintenance thereof and for the use thereof by the public," is hereby amended to read as follows:

SECTION 1. The classified index or abstract books of the county of Jackson now and hereafter prepared under the resolution of the board of supervisors of said county shall be under the control of said board of supervisors, who shall provide for the care, custody and use thereof, for the maintenance and continuance thereof and the use thereof by the public under the provisions and limitations of this act. Board to have control of.

SEC. 2. The register of deeds of said county of Jackson shall be the superintendent and custodian of such abstracts and indexes, and it shall be his duty, subject to the direction of said board of supervisors, to see that the same are properly kept, used, maintained and cared for during his continuance in office, for the uses and purposes for which created, as other records of his office are kept. Register of deeds to be custodian.

SEC. 3. It shall be the duty of such register, as such superintendent, to securely keep such books, and maintain and continue the same by promptly entering therein in its proper place every deed, mortgage, assignment, release, discharge, levy, lis pendens or other instrument or proceeding affecting real estate, necessary to keep said books complete and to perform such other duties with respect thereto, as said board of supervisors may prescribe. Duties relative to.

**To give bonds.** SEC. 4. The register of deeds, before entering upon the duties of his office, shall give bonds to the county of Jackson, in an amount to be fixed by the board of supervisors, not exceeding the sum of five thousand dollars, with two sureties, for the proper performance of his duties as such superintendent of abstracts, and to account for all moneys coming into his hands by reason thereof, such bond to be approved by the board of supervisors and filed with the county treasurer.

**Board to provide office, etc.**

SEC. 5. It shall be the duty of the board of supervisors to provide offices and proper safes or vaults for the keeping of such abstract or index books, and such books and blanks as may be necessary for their maintenance and use, and pay the expenses thereof. And the said board of supervisors shall provide for the payment of such register of deeds for his services as such superintendent or abstracter, by appropriating one-half the fees received during any one year for such services:

**Proviso.**

Provided, No money shall be appropriated out of the county treasury for clerk hire or assistance in copying or maintaining such abstracts, in excess of the fees received during the current year.

**Use of books by public.**

SEC. 6. The use of said books by the public shall be subject to such rules therefor as said board of supervisors shall prescribe, and they shall prescribe the schedule of fees for such use, and the public shall be entitled at all times to such abstracts, searches, certificates and information as may be furnished by said board of supervisors upon compliance with the rules so adopted and the payment of the fees prescribed by the board of supervisors therefor.

**Superintendent to make report.**

SEC. 7. The superintendent having charge of said abstracts shall at each regular meeting of the board of supervisors report the said doings in the premises and the amount of all moneys received by him arising out of the use thereof, which said moneys shall be by said superintendent covered into the county treasury of said county, vouchers to be given said superintendent by the county treasurer therefor.

**Abstracts not to be guaranteed.**

SEC. 8. Said county of Jackson or said abstracter shall not in any manner guarantee the correctness of any abstracts of title furnished by said abstracter in behalf of said county or any information furnished concerning the condition of title to any lands in said county, and said county shall not be held liable for damages caused by any error in said abstract or title furnished by said county in any manner, or for any error in information furnished concerning the condition of title to any lands in said county.

**Repealing clause.**

SEC. 9. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved May 7, 1903.

## [No. 461.]

**AN ACT** to authorize the city of Grand Rapids to borrow a sum of money not to exceed one hundred fifty thousand dollars, and to issue the bonds of the city therefor for the purpose of meeting the expense of improving and covering the so called West Side Big Ditch, and converting the said West Side Big Ditch into a sewer along its present location, and establishing a pumping station at its mouth, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof.

*The People of the State of Michigan enact:*

**SECTION 1.** For the purpose of meeting the expense of improving and covering the so called West Side Big Ditch and converting the said West Side Big Ditch into a sewer along its present location and constructing a pumping station at the mouth thereof as a part of said improvement in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may by a majority vote by resolution authorize and direct the mayor, comptroller and clerk of the city of Grand Rapids to borrow a sum of money not exceeding one hundred fifty thousand dollars for such purpose and to issue the bonds of said city therefor, bearing interest at a rate not exceeding four per cent per annum with interest coupons attached, which said bonds shall be signed by the mayor and countersigned by the comptroller of said city, and sealed by the clerk of the said city with the seal of said city; said bonds shall be made payable in equal amounts each year, for a period not exceeding eleven years from date of issue, as the common council may direct. The said bonds shall be endorsed "West Side Big Ditch Bonds" and shall be numbered or lettered by the city clerk consecutively; said bonds shall not be sold for less than par, shall be payable at the office of the city treasurer and by him placed to the credit of the "West Side Big Ditch Bond and Interest Fund." All such bonds shall be paid at maturity and cancelled and shall not be reissued or refunded.

**SEC. 2.** If the common council shall by resolution determine that the whole or any part of the said improvement shall be defrayed by an assessment upon the owners of real estate to be benefited by said improvement and after having ascertained the estimated expense of said improvement it shall declare by an entry in its minutes which proportion thereof shall be assessed to such owner specifying the whole sum to be assessed and the portion of the city which it deems benefited by such improvement. The cost and expense of making the estimates, plans and assessments incidental thereto, shall be included in the expense of such improvement.

**SEC. 3.** All provisions of title five of an act to revise the charter of the city of Grand Rapids, approved March twenty-fifth, eighteen hundred ninety-seven, relative to the streets and

When council  
may issue  
bonds.

Amount of,  
interest, etc.

How  
endorsed.

Council to  
proportion  
assessment.

Charter to  
apply to  
special assess-  
ments.

Assessments  
subject to  
appeal.

Roll, how  
divided.

Treasurer to  
certify to  
certain  
amounts to  
council.

Tax to be-  
come lien.

Proviso.

First install-  
ment, how  
collected.

public improvements, relative to ascertaining the cost, ordering the improvement and assessing the cost, of making assessment rolls, street improvement, shall be applicable to the ascertainment of the cost of the West Side Big Ditch improvement to be paid for by the proceeds of the West Side Big Ditch bonds and the assessment of said costs or such portion of said costs as the common council may determine by majority vote upon the real estate deemed to be benefited thereby. Said assessment roll shall be subject to appeal therefrom to the common council by any of the parties assessed therein and shall be subject to ratification and confirmation by the common council and shall be final and conclusive as in other cases of public improvements under the provisions of the said title five, and shall be a lien upon the premises from date of such confirmation; all unpaid installments of the assessments in said assessment roll for said improvement provided for in this act shall bear interest at the rate of five per cent per annum from the time of the confirmation of the said assessment roll by the common council. The board of assessors of said city shall divide each assessment contained in said roll into as many equal parts as the common council may direct; said assessment roll shall be attested by the city clerk under the seal of the said city and be deposited with the city treasurer and substantially a copy thereof certified by said clerk with the comptroller and retained in his office. On or by the last Saturday in March each year the city treasurer shall certify to the common council any additional amount not collected in on the special roll made for such improvement to meet the balance of the West Side Big Ditch bonds indebtedness of this city maturing in the year following the fifteenth day of August next ensuing and the annual interest on all outstanding West Side Big Ditch bonds maturing within that time, which amounts the said common council shall include in the next annual budget and order spread on the annual tax rolls and which shall be spread thereon in the West Side Big Ditch bond and interest fund column thereof upon all the real and personal property of the city liable to taxation for general city purposes, and such taxes when so assessed shall become a lien upon the real estate assessed the same as any other city taxes and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of the said city and for the non-payment thereof the premises and property assessed may be sold in the same manner as for the non-payment of said annual tax and such taxes when so collected shall be placed to the credit of the West Side Big Ditch bond and interest fund and shall be applied to the payment of the principal and interest of said bonds as they shall fall due and for no other purpose: Provided, If any surplus money collected for such improvement remains after the payment of all said bonds and interest the same shall be transferred to the general fund. The first installment of said assessments to defray the expense of such improvement under the provisions of this act shall be collected in the same manner as assessments for other public

improvements under the provisions of title five of the present charter of the city of Grand Rapids, known as the revised charter of the city of Grand Rapids, approved March twenty-fifth, eighteen hundred ninety-seven, with amendments passed by the legislature; and such assessments shall become due when the assessment roll containing the same shall be placed in the hands of the city treasurer, and all the provisions of section eleven of the said title five shall be applicable thereto and in case of non-payment of said installment, or any installment on any such assessment roll, the premises upon which the same is assessed shall be returned and sold for non-payment thereof, as in other cases of assessments for public improvements, under the provisions of said title, and with the same force and effect. Said installment when collected, shall be placed by the city treasurer to the credit of the West Side Big Ditch bond and interest fund. The other installments of the said assessment shall become due and payable as follows: The first in one year, the second in two years, the third in three years, the fourth in four years, the fifth in five years, the sixth in six years, the seventh in seven years, the eighth in eight years and the ninth in nine years, as the common council shall have provided next after the date of the confirmation by the common council of the assessment roll containing the same with interest annually at the rate of five per cent per annum: Provided, however, That said assessments, with the interest thereon up to time of payment at the rate aforesaid, may be paid to the city treasurer at any time after the confirmation as aforesaid of the assessment roll containing the same; and if not paid when due seven per cent shall be added thereto and collected thereon with the said assessments. Said bonds or any of the avails thereof shall be used only in defraying the expense of the said improvement for which they were issued except in the case of surplus after the payment of said bonds and interest thereon. The powers herein granted, relative to the issue of the West Side Big Ditch bonds, shall be construed to be permissive, and their exercise within the discretion of the common council, and if the said common council shall not order the same to be issued, or if issued shall be unable to negotiate the same under the provisions of this act, then and in such case the expense of said West Side Big Ditch improvements shall be defrayed, provided for and raised in the same manner as the expense of other public improvements, under the provisions of title five aforesaid, as though no authority had been given to issue such bonds: Provided further, That all provisions of title five of the revised charter of the city of Grand Rapids, approved March twenty-fifth, eighteen hundred ninety-seven, as amended, relative to streets and public improvements, so far as the same does not conflict with this act or are not inconsistent with this act, shall apply and govern said West Side Big Ditch improvement and be construed in conjunction with this act: Provided further, That bids may be received and contract let for that part of said improvement known as the pumping station either separately from balance of the said improvement or in

When assessments to become due.

When installments due.

Proviso.

Further proviso.

Further proviso.

connection therewith, and that said pumping station portion of said West Side Big Ditch improvement includes all material, labor and things necessary for the proper construction and protection of said pumping station aside from the converting of the said West Side Big Ditch into a covered sewer.

This act is ordered to take immediate effect.

Approved May 7, 1903.

[No. 462.]

AN ACT to amend sections one, five and seven of title two; section seventeen of title three; sections twelve and fifteen of title four; section six of title five; sections five and nineteen of title six; sections two, five, six and eight of title ten; section four of title eleven; sections nine, eleven, twelve and thirteen of title twelve; section one of title fourteen; section nineteen of title seventeen, and sections two and three of title nineteen of act number four hundred sixty-five of the Local Acts of eighteen hundred ninety-seven, entitled "An act to revise and amend the charter of the city of Saginaw, as existing under an act, entitled 'An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith,' and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith," as revised and amended by act number four hundred thirty-one of the Local Acts of eighteen hundred ninety-nine, approved June first, eighteen hundred ninety-nine; and as further revised and amended by act number four hundred nineteen of the Local Acts of nineteen hundred one, approved May eighth, nineteen hundred one, and acts numbers four hundred sixty-nine, four hundred eighty-two and four hundred eighty-four of the Local Acts of nineteen hundred one, approved June sixth, nineteen hundred one, and acts amendatory thereof; and to repeal all acts and parts of acts in conflict herewith.

*The People of the State of Michigan enact:*

Sections  
amended.

SECTION 1. That sections one, five and seven of title two; section seventeen of title three; sections twelve and fifteen of title four; section six of title five; sections five and nineteen of title six; sections two, five, six and eight of title ten; section

four of title eleven; sections nine, eleven, twelve and thirteen of title twelve; section one of title fourteen; section nineteen of title seventeen, and sections two and three of title nineteen of act number four hundred sixty-five of the Local Acts of eighteen hundred ninety-seven, entitled "An act to revise and amend the charter of the city of Saginaw as existing under an act, entitled 'An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith,' and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith," as revised and amended by act number four hundred thirty-one of the Local Acts of eighteen hundred ninety-nine, approved June first, eighteen hundred ninety-nine; and as further revised and amended by act number four hundred nineteen of the Local Acts of nineteen hundred one, approved May eighth, nineteen hundred one, and acts numbers four hundred sixty-nine, four hundred eighty-two and four hundred eighty-four of the Local Acts of nineteen hundred one, approved June sixth, nineteen hundred one, and acts amendatory thereof, be and the same are hereby amended so as to read as follows:

## TITLE II.

**SECTION 1.** Annual city elections are hereby abolished. A biennial city election shall be held on the first Tuesday after the first Monday in November in the year nineteen hundred and two, and every second year thereafter in connection with the general State election held on the same day and be conducted by the same officers. A biennial spring election shall be held on the first Monday of April in the year nineteen hundred three and every second year thereafter in connection with the State judicial election held on the same day, and be conducted by the same officers. If not otherwise provided in this act, all the officers whose official terms will expire before the election and qualification of their successors, under the provisions of this section, as hereby amended shall continue to hold their respective offices until their successors have been elected as herein provided and they have qualified, and the terms of all officers elective and appointive, including members of boards, unless otherwise provided, whose official terms would otherwise extend after January first, A. D. nineteen hundred three, are hereby limited and all shall expire at midnight, December thirty-first, nineteen hundred two, or when their successors have been elected as herein provided and they have qualified:

Elections.  
when held.

When terms  
of officers to  
expire.

**Proviso.** Provided, however, That on the first Monday of April, A. D. nineteen hundred and two, at the expiration of the term for which the present police judge was elected, the recorder shall be and is hereby thereafter invested with the authority and shall perform the duties and receive the compensation now pertaining to the office of police judge. The aldermen who are members of the common council December thirty-first, A. D. nineteen hundred one, shall be and are hereby declared to be members of the common council as aldermen at large, during the year nineteen hundred two, and the fact that any alderman changes his residence within the city or resides in a different ward from that for which he was elected, shall not vacate his said office. The following officers of the city of Saginaw shall be elected at the biennial city election held on the first Tuesday after the first Monday in November in the year nineteen hundred two, and every second year thereafter, by the qualified electors of the whole city, voting in their respective wards, and election districts on a general ticket, namely, one mayor and one treasurer. Their term of office shall commence on the first day of January one thousand nine hundred three, and every second year thereafter: Provided, That at the same time a recorder and a justice of the peace shall be elected, who shall each perform the duties of his office as soon thereafter as he shall file the requisite bond and oath, and he shall hold his office until July fourth, nineteen hundred three, or until his successor shall be elected, and shall qualify as hereinafter provided. The following officers of the corporation shall be elected at said election, on a ward ticket in each ward, and election district by the qualified voters thereof, namely, one alderman and one constable. Their term of office shall commence on the first day of January, one thousand nine hundred three, and of every second year thereafter. At the biennial spring election in the year nineteen hundred three, and quadrennially thereafter, a justice of the peace shall be elected to hold office for the term of four years from and after the fourth of July succeeding his election. At the biennial spring election, in the year one thousand nine hundred three, a recorder shall be elected to hold office for the term of two years from and after July fourth, nineteen hundred three. At the biennial spring election in the year one thousand nine hundred five, and quadrennially thereafter, a recorder shall be elected to hold office for the term of four years, from and after the fourth of July succeeding his election. At the biennial spring election in the year one thousand nine hundred three, and every second year thereafter, the following officers of the corporation shall be elected at said election on a ward ticket in each ward, by the qualified voters thereof, namely, one supervisor, whose term of office shall begin as soon as he is elected and has qualified, and one school inspector, whose term of office shall commence on the third Monday of July, one thousand nine hundred and three, and every second year thereafter: Provided, That no school inspector shall be elected within the western taxing district on

**Aldermen to continue.**

**Mayor and treasurer, when elected.**

**Term of office.**

**Proviso as to recorder and justice.**

**Ward officers.**

**Term of office.**

**Justice of peace.**

**Recorder.**

**Supervisors and school inspectors.**

**Proviso.**

uch ward ticket. Also, provided, That the inspectors elected <sup>Further proviso.</sup> in the odd numbered wards shall serve for two years and the inspectors elected in the even numbered wards shall serve for our years.

**SEC. 5.** The common council shall, at the first regular meeting in the month of January, A. D. one thousand nine hundred three, or as soon as may be thereafter, elect by *viva voce* vote, one city assessor, one city attorney, one city physician, one controller, one city clerk, one director of the poor, and all members of the board of public works, board of police commissioners, board of assessment and review, and board of estimates. is provided in this act. And as vacancies occur, fill the same by like election of persons who shall hold office as follows, viz.: city clerk, city controller, city assessor, city attorney, director of the poor and city physician, each for two years, their terms of office to commence in January, A. D. nineteen hundred three and every second year thereafter: Provided, The members of <sup>Proviso.</sup> said several boards shall be elected for the period stated in the other titles of this charter. All the officers appointed under his section shall enter upon their duties as soon as elected and qualified: Provided, further, That the terms of all city officers <sup>Further proviso.</sup> heretofore or hereafter elected by the common council or nominated or appointed by the mayor or confirmed by the council prior to January first, nineteen hundred three, shall expire at midnight December thirty-first, nineteen hundred two, or when their successors are elected and have qualified as are herein provided. The assessor and controller may each appoint a deputy for whose acts they shall respectively be responsible, and who shall have power to perform the duties of said officers especially in case of the death, absence or disability of either of said officers. The common council may also appoint one board of building inspectors, one factory inspector, one keeper of the work house, alms house, or hospital, one inspector of gas or gas meters, clerk of city markets or for city officers, inspectors of fire, wood, hay or provisions, pound masters, sealers of weights and measures, weighmasters, harbor masters, fire wardens, scavengers, and such other officers or boards of officers as are herein provided for, or the common council may deem necessary, or as may be created by law or the ordinances of said city, made pursuant to the provisions of his charter; and such appointments shall be made in such manner as the common council shall authorize and direct, and all such appointees shall hold their office during the pleasure of the common council.

**SEC. 7.** All officers, clerks and members of boards appointed or confirmed by the common council, by virtue of the power conferred by this act, may each be removed from office by the common council for incompetence, for official misconduct, or for the unfaithful and inefficient performance of the duties of his office, or for disobedience of the ordinances or resolutions of the common council lawfully made: Provided, That no officer <sup>Proviso.</sup> who is required to be elected, or who is required by this act, or by the common council, to give bonds, shall be removed without

Council may appoint certain officers.

Council may remove officers.

reasonable notice of the charges against him, and an opportunity to be heard in his defense, in person and by counsel, nor unless two-thirds of all the members elected to the common council, shall, after such notice and hearing, vote for such removal.

### TITLE III.

Compensa-  
tion of alder-  
men.

SEC. 17. The aldermen shall be allowed as compensation for their services, such sum as shall be determined by the common council, not to exceed however, the sum of five dollars for actual attendance at each session of the council, and the mayor shall have an annual salary of one thousand dollars, to be certified by the clerk to the controller quarterly and paid out of the general fund.

### TITLE IV.

Ward super-  
visors to be  
members of  
county board.

Certain offi-  
cers to act  
as supervisors.

Departments  
to recommend  
salaries of  
officers.

Council to fix.

SEC. 12. The supervisors of the several wards of said city, shall be members of the board of supervisors of Saginaw county, and shall perform all the duties of supervisors of townships, except as herein otherwise provided, and except as to such duties as are herein especially devolved upon other officers of said city, and shall be entitled to the same compensation as township supervisors, and to such additional compensation as is hereinbefore provided. The assessor, controller, city attorney, and president of the board of assessment and review, shall be members of the board of supervisors of Saginaw county, and represent the interests of this corporation in said board, and as supervisors, shall be entitled to receive the same compensation as other supervisors, for attendance upon said board.

SEC. 15. On or before the first Monday of April in each year, the board of public works, the board of police commissioners and the committee on fire department of the common council, shall recommend to the common council the salary to be paid to the several officers and employes of said respective boards and departments for the ensuing year, and each of said boards and the committee on fire department shall also at the same time submit to the common council an estimate of the amount of money which, in their opinion, will be required to meet the expenses of their respective departments for the ensuing fiscal year. And the common council shall annually, at their first regular meeting in the month of May, or as soon thereafter as may be, determine or fix the salary or compensation to be paid to the several officers of said city, and they may also from time to time establish fees and compensation of all officers appointed by them, whose fees or salary are not prescribed by law, and whose compensation for services is required to be paid out of the city treasury.

## TITLE V.

**SEC. 6.** The common council shall appoint five qualified electors and taxpayers of said city, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, and annually thereafter appoint one such elector for the term of five years who shall constitute the board of review of said city, and shall be entitled to such compensation for their services as members thereof as the common council may fix. The member of said board whose term shall soonest expire shall be the president of the board, and the assessor shall act as clerk of said board. The clerk of the city shall give notice of the time and place when and where said board of review will meet, and the length of time the same will remain in session for the review and correction of such assessment roll, by publication thereof in the official newspaper of the city, and by posting printed copies of the same in at least twenty public places in each ward of the city at least ten days prior to the time fixed for the commencement of its session. Said board shall thereupon proceed to fully review the annual assessment of the taxable property, real and personal, of said city, made by the assessor, and by him to be submitted to said board. The board shall have power and it shall be their duty to so alter, amend and correct said assessment of persons and property on said roll as to equalize the same. They shall have the power to add to said assessment roll any person or property which may have been omitted therefrom, and to strike from said roll any property or person not subject to taxation: Provided, That no assessment shall be increased, nor person or property added to said roll, except upon notice to the person to be affected thereby, served in the case of a resident of the city, personally, or by leaving the same at his usual place of abode, twenty-four hours before any action is taken by the board in respect to such assessment. And in the case of a non-resident, by one publication in any daily newspaper published in said city. Said board shall keep a record of their proceedings, and no assessment shall be made or changed, except by a majority vote of said board, taken by ayes and nays, and entered at large upon the record.

## TITLE VI.

**SEC. 5.** The common council may determine that the whole or any part of the expense, including costs of estimates, plans, surveys, assessments and other expenses, incidental thereto, of any public improvement, shall be defrayed by an assessment on the lands to be benefited thereby, except where the improvement is made by paving or repaving between the street car tracks or railroad tracks and between the double tracks, curves and switches, and the paving required to be done by the street

Board of  
review, how  
constituted.Compensa-  
tion.Meetings of  
board.Powers and  
duties.

Proviso.

Council to  
determine  
amount of  
improvements  
to be paid by  
special  
assessment.

car companies or railroad companies on the outside of their tracks, the width provided for in their ordinances, the cost of which shall be assessed against said street car companies or railroad companies as a personal tax, and be placed in the special tax roll, the same as when any other special improvement is made. And the common council shall, either before or after the completion of such improvement, declare by resolution whether the whole or what portion of the cost of such improvement shall be assessed to said lands, except that portion to be paid for by said street car companies or railroad companies as above provided: Provided, however. That the assessment which may be levied upon any block or parcel of real estate, shall not exceed the benefit which it is especially deemed to have received by such improvement. When such improvement is completed, or as soon thereafter as may be convenient, the board of public works shall prepare a detailed statement of the cost of such improvement, showing the amount to be assessed on the property benefited, as provided by the resolution ordering the said improvement, and the amount of cost for paving between the street car tracks or railroad tracks, double tracks, switches, curves and the distance, if any, outside of its said tracks, as provided for by the ordinances of said city.

May borrow  
money for  
streets,  
etc.

SEC. 19. To meet the expense of improving streets in said city, by paving, grading, graveling or otherwise, in anticipation of the collection of the assessments and taxes to defray the expense and cost thereof, the common council may, by resolution, with the approval of the board of estimates, authorize and direct the mayor, controller and clerk of said city to borrow a sum not exceeding one hundred and fifty thousand dollars in any one year, for such purpose, and to issue bonds of said city therefor, bearing interest at the rate not exceeding six per cent, per annum, payable semi-annually, which shall be chargeable to and paid by the proper taxing district: Provided, That the total amount of bonds which the common council is thus authorized to issue, shall not exceed six hundred thousand dollars outstanding at any one time. The common council may, when any of the above improvements are made, authorize that the bonds for making said improvements shall run for a period of not less than five nor more than ten years. And the amount of bonds which may be issued for such purpose, shall be made payable in annual equal parts as ordered by the common council. The said bonds to be endorsed "street improvement bonds of the . . . . . taxing district," and to be numbered or lettered consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the "street improvement fund," of the proper taxing district. All said bonds shall be paid at maturity, and the common council shall not have the power to authorize the reissue of the same bonds or of bonds to take up said original bonds.

Bonds, how  
endorsed.

## TITLE X.

**SEC. 2.** The current cost of altering, repairing and cleaning sewers and drains, and all incidental expenses of management, shall be estimated by the board of public works, who shall report to the common council on or before the first Monday of April in each year the amount so estimated and required for the next ensuing year, and when the same is approved by the common council, shall be assessed by the assessor upon the real and personal property in the city of Saginaw, and included in the next annual tax roll of said city, placed in the highway fund column and when collected placed to the credit of the highway fund of the proper taxing district.

Board of public works to report estimates to council.

**SEC. 5.** The said board shall, in the month of March in each year, report to the common council what public sewers or drains they deem necessary to build in the ensuing year, and shall accompany the report with an estimate of the cost of each and all such drains and sewers, and the said board may also, after the month of March, but not later than the first Monday in July in each year, bring in a supplemental list of sewers to be built.

**SEC. 6.** The common council shall decide what public sewers and drains of those reported by the said board, in accordance with such sewerage plan, shall be built, and shall, through the city clerk, notify the board of their decision, and said board shall proceed to advertise for proposals to build the sewers and drains ordered to be built by the common council, under such specifications and forms as said board shall deem necessary, in manner and form required by the provisions of this charter, in regard to the letting of contracts for public improvements.

Council to decide what sewers, etc., to be built.

**SEC. 8.** To meet the expense of the construction of sewers in the eastern and western taxing districts of said city, in anticipation of the collection of assessments and taxes to defray the cost thereof, the common council may, by resolution, with the approval of the board of estimates, declare the amounts necessary to be so raised for sewers in each taxing district separately, and by like resolution authorize and direct the mayor, controller and clerk of said city to borrow a sum not exceeding sixty thousand dollars in any one year, and for that purpose to issue the bonds of the city, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, and to pledge the faith and credit of the whole city for the prompt payment of the principal and interest to the holder thereof, as provided in section twenty-eight of title six: **Provided**, That the total amount of the bonds which the common council is thus authorized to issue, shall not exceed three hundred thousand dollars outstanding at any one time. The common council whenever any such amount is to be raised, may authorize that the bonds shall run for a period of not less than five nor more than ten years; and the amount of bonds which may be issued for such purpose, shall be made payable in five or more

May borrow money for construction of sewers, etc.

Proviso.

Bonds to be sold at par.

years in equal annual parts as ordered by the common council, all to be endorsed "sewer bonds," and numbered consecutively. Said bonds shall not be sold for less than their par value, and the proceeds of the same shall be paid to the city treasurer, and be by him placed to the credit of the separate sewer fund of the proper taxing district. All such bonds shall be paid at maturity, and the common council shall not have power to authorize the reissue of such bonds, or of bonds to take up said original bonds. The amount and number of the bonds issued for each taxing district shall be specified. The proceeds shall be paid into the separate fund of each, and the respective districts shall be separately taxed and pay for the cost of such sewers within their respective limits, and the said bonds issued therefor, and for all advances made by the city for interest or principal thereof, all in manner and form as provided in section twenty-eight of title six.

## TITLE XI.

Powers and duties of board.

SEC. 4. Said board shall assume and exercise the entire control of the police force of said city and shall possess full power and authority over the police organization, government, appointment and discipline within said city. It shall have custody and control of all public property, books, records and equipments belonging to the police department. Said board shall have charge of the altering and repairing of all police stations and police barns and all sidewalks, platforms and bridges adjacent thereto, when said work has first been duly authorized by the common council. Said board shall be empowered to make necessary purchases of horses and make all necessary repairs to apparatus to an amount not exceeding the amount appropriated for the several purposes.

## TITLE XII.

Board of public works to advertise for proposals in making public improvement.

SEC. 9. Whenever the common council of said city shall have decided upon the making of any such public improvement, including bridges crossing the Saginaw river, it shall so declare by resolution; and the board of public works, with all convenient dispatch, shall determine as to the particular kind, and estimate, the quantity of materials to be used therefor, and estimate, in detail, the probable cost and expense of such work, and of the material to be used therein, and make a record thereof in their office; and cause to be prepared plans and specifications in detail for such work or improvement, and place the same on file in their office, and report their determination and estimate to the common council. When such plans and specifications have been submitted to the common council and adopted by it, the said board of public works shall (except in the case of the cleaning and deepening of ditches and gutters, and the repair of streets and sidewalks) advertise for proposals for

be furnishing of material and for the performance of such work in accordance with the plans and specifications so recommended and adopted; and shall require all bidders to furnish security for the performance of proposals tendered to said board if the bid is accepted, and also security for the performance of any contract awarded; and all bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter, reported by the said board, together with its recommendation in respect thereto, to the common council. No contract shall be let except to the lowest responsible bidder nor unless it be first recommended by the said board of public works, and authorized by the common council.

SEC. 11. The said board of public works shall have power to appoint a city engineer, superintendent of public works, bookkeeper, engineer and fireman at the water works and hydrant men, all of said appointees to hold office during the pleasure of the board. The city engineer shall make all surveys for the laying out, constructing, altering, repairing and improving of streets, sewers, water mains, parks, cemeteries, public grounds and buildings, and prepare all necessary plans, diagrams, profiles and specifications therefor, and do the civil engineering work of every description as required by the common council, the board of public works, or any board of said city, and he shall have personal supervision under the direction of the board of public works of the construction and repairing of public buildings, grading, paving, repaving, sewers, bridges, parks, cemeteries, public grounds and the water-works system of the city of Saginaw, and such other public work as the board of public works may require. Said engineer shall have authority to employ, subject to the approval of the board of public works, such assistants, inspectors and clerks under him as are required for the prompt and proper performance of the engineering and public works department of said city, and said engineer may discharge such assistants. The superintendent of public works shall have supervision, under the direction of the city engineer, of the cleaning and repairing of public streets, alleys and grounds, the construction and repairing of sidewalks and crosswalks, the cleaning and deepening of ditches and gutters, and such other duties as may be required by said city engineer or the board of public works. Said board of public works shall also have authority to employ all other subordinates as may be necessary to enable the board of public works to properly perform the duties devolving upon it. Said board of public works shall recommend annually, but the common council shall have the authority to fix the compensation of the engineer and firemen of the water works, hydrant men, bookkeeper, superintendent of public works, city engineer, and all other appointees of said board, except as herein provided. Said board of public works shall fix the compensation paid to persons employed by the day, and all claims for the same shall, whenever certified by the board of public works, be submitted to the common council for allowance and payment, in the same manner as other claims against the city.

To appoint certain officers.

Duties of engineer.

Superintendent of public works.

Compensation, how fixed.

Board to submit statements to council.

**SEC. 12.** The said board shall classify the various work under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs and superintendence, and salaries of employes, and also detailed accounts of all other matters under its charge and control and on the first Tuesday of January in each year and oftener if required by the common council, submit to it a statement, showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board. The board shall from time to time also make estimates of the amounts earned and payable upon any contract for work done and material furnished, and report the same to the common council, and it shall be the duty of the common council, without unreasonable delay to order payment from the proper funds of the amount so reported, and during the month of January in each year said board shall submit to the common council a financial statement covering the business of the fiscal year.

Who to be clerk of board, duties.

**SEC. 13.** The city attorney shall act as legal adviser of said board, and the city clerk shall be by himself or his deputy, by him to be appointed, the clerk thereof, and shall keep a full record of its proceedings, showing the vote by ayes and nays of each member upon every motion brought before or determined by said board, relative to the adoption of plans, letting of contracts, approval of bonds, or the appointment of officers or employes, which record shall at all times be open to public inspection, and a copy thereof published within five days after each session in the official newspaper of the city. A majority of the board shall form a quorum for the transaction of business, but a majority of all members constituting said board, shall be necessary to decide any questions before the same. Said board shall appoint a bookkeeper who shall keep a set of books showing the accounts and condition of said board and all work done by them. The board shall have the power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of its business. It shall have the power to fix the duties, and at any time to suspend or discharge any of its appointees or employes, and appoint or employ others in their place, as to the said board the public interest may seem to require.

May make by-laws, etc.

#### TITLE XIV.

When recorder to act as police judge.

**SECTION 1.** From and after the first Monday in April, A. D. nineteen hundred two, being the date of the expiration of the term for which the present police judge was elected, the recorder shall have the authority and shall perform all duties connected with the office of police judge as authorized by the charter of the city of Saginaw. A police court shall be held

in said city at the city hall, to be styled the police court, and a session of said court may be held daily at seven thirty a. m. in the central police station, and as soon thereafter as possible in the west side police station; said court, however, shall not be a court of record. The present police judge, after the passage of this act, shall perform his duties as heretofore, or as further provided in this act, until April, A. D. nineteen hundred two, viz.: the date of the expiration of the term for which he was elected, and his duties and authority shall thereupon cease and the recorder shall become his successor as herein provided. Said recorder, as police judge, shall have power and authority to take complaints, issue any process necessary in said court, to be signed by said judge; and the court shall have the same power to punish contempt and preserve order, to compel the attendance of witnesses, parties and jurors, and to determine as to the qualification of jurors, as a circuit court and the judge thereof, and such further powers incident to a circuit court and the judge thereof, as may be convenient in the exercise of the jurisdiction and powers herein conferred upon him as such court. He shall also have all the powers and authority of a justice of the peace in the trial of civil cases. In every criminal trial in said court by jury, the city or the people, as the case may be, shall be entitled to but two peremptory challenges. After the expiration of the term of the present police judge, the recorder acting as police judge shall have and exercise the same jurisdiction and power in all civil suits and proceedings, and perform the same duties in all respects so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of this State, and such further powers as are conferred by this act, and shall have jurisdiction in all civil cases where the plaintiffs, or any of them, or the defendants, or any of them, reside in the county of Saginaw. The people judge and clerk shall receive no fee or perquisites for their services as such performed under this act, but in lieu thereof, the recorder, acting as police judge, exclusive of recorder's fees shall receive an annual salary of twelve hundred dollars, for services actually performed, which shall be paid by the city of Saginaw monthly. The clerk of said police court shall receive an annual salary, to be paid by the said city, in the manner herein provided for the payment of the salary of the recorder acting as police judge not to exceed nine hundred dollars. Neither the chief of police, nor any member of the police force of said city, shall receive for his own use any fees for services performed under this act.

Powers and  
duties.

Salaries.

#### TITLE XVII.

SEC. 19. The newspaper published in the said city of Saginaw which shall be designated by the common council to publish the official proceedings of said common council shall be the official paper of said city during the time in which it shall continue by order of said council, to publish such proceedings:

Council to  
designate  
official  
newspaper.

**Proviso as to amounts paid for printing.** Provided, That the compensation paid for printing shall not exceed the following prices, viz.: Proceedings common council, and all boards, eighty cents per thousand ems printer's measure.

Slips as follows:

Common council proceedings,  
Two hundred copies, five dollars per meeting.

Board of public works,  
One hundred twenty-five copies, three dollars per meeting.

Board of estimates proceedings,  
Two hundred copies, two dollars per meeting.

Board of health,  
Fifty copies, one dollar and fifty cents per meeting.

Board of police commissioners.  
Fifty copies, one dollar and fifty cents per meeting.

All to be paged and ready for binding, including three copies on extra heavy paper for official record. Slips of ordinances, contracts, etc., at one dollar per hundred; legal and other notices seventy cents per folio for first insertion, thirty-five cents per folio for subsequent insertions. This does not include notices which on the order of any city official are to be published among pure matter in regular reading columns.

Copies of paper delivered to mayor, controller, clerk, treasurer, city engineer, city attorney, and city assessor, police judge and justice of the peace, shall not be charged for at a price exceeding the annual subscription rate. When the proceedings of the common council or any one of the boards mentioned above at any one meeting shall exceed in length six columns of twenty inches in length, the publishers of the paper shall be allowed to publish the amount in excess of six columns in the next succeeding issue: And provided further. That the said common council proceedings or a synopsis thereof, shall not at public expense be ordered published in other than the official paper.

**Further proviso.**

**Question of establishing public works to be submitted to electors.**

## TITLE XIX.

SEC. 2. If the common council shall declare that it is expedient to acquire by purchase or construction as the case may be, works for the purpose of supplying the city and the inhabitants thereof, either with gas, electric or other light, then the common council shall cause to be made and reported in their proceedings, an estimate of the expense thereof, and the question of raising the amount required for such purpose shall first be submitted to a vote of the taxpayers of said city, at some special election, as provided in section two of title five, and such proposition must be sanctioned by a majority of two-thirds of the taxpaying electors voting at such election before any money shall be raised or expended for such purpose.

**SEC. 3.** When authorized thereto, as provided in the last section, the city may issue its bonds for any sum not exceeding one hundred and fifty thousand dollars, for the purpose of raising money for the purchase or construction of said plant to be used exclusively for that purpose. When may issue bonds.

The common council shall have the power to fix the time and place for the payment of principal and interest of the debt, contracted under the provisions of this title, and the rate of interest thereon shall not exceed six per cent per annum, and such bonds shall be sold for not less than their par value. The proceeds of said bonds shall be placed in a separate fund, to be known as "lighting fund," and shall be used exclusively for the purpose for which they were authorized, and in no other manner. The total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expenses therefor, provided in section two of this title. Any surplus that may remain in said fund after the construction or purchase of said works, may be used for the maintenance thereof. All expense of maintaining said works and the repairs and extensions thereof, shall be chargeable to and paid from the lighting fund only. If constructed or purchased as a separate plant, it may be placed in the hands of the lighting commissioners, appointed in the same manner, and who shall hold their offices for the same time as is herein provided for the appointment of members of the board of estimates, or it may be placed under the charge and control of the board of public works.

**SEC. 2.** All acts or parts of acts in so far as they are in conflict with this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved May 12, 1903.

[No. 463.]

**AN ACT** to divide the township of Milan, in the county of Monroe, into two election districts.

*The People of the State of Michigan enact:*

**SECTION 1.** The township of Milan, in the county of Monroe, is hereby divided into two election districts, as follows: District number one shall consist of sections fifteen to thirty-six inclusive of the said township of Milan; and district number two shall consist of sections one to fourteen inclusive of the said township of Milan. Districts, how constituted.

**SEC. 2.** The first election to be held on the first Monday in April, nineteen hundred four, in said district number one, shall be held at the place where the township meetings and elections in said township heretofore have been held; and said election

to be held in district number two at some convenient place in that portion of the village of Milan situated in the township of Milan and located in section two of said township of Milan.

**How conducted.** SEC. 3. Said election districts shall be subject to all the provisions of chapter ninety-five of the Compiled Laws of eighteen hundred ninety-seven, except the first section thereof, and all elections therein shall be conducted in the manner and by the officers prescribed by said chapter, and all the votes cast thereat shall be canvassed in accordance with the requirements of said chapter.

This act is ordered to take immediate effect.

Approved May 12, 1903.

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[No. 464.]

AN ACT to amend section one of act number three hundred and eight of the session laws of the State of Michigan of eighteen hundred seventy-nine, as amended by act number three hundred and eight of the Session Laws of the State of Michigan of eighteen hundred eighty-one, entitled "An act to incorporate the city of Mt. Clemens, and repeal act number three hundred and seven of the Session Laws of eighteen hundred and seventy-five, approved April eighth, eighteen hundred and seventy-five."

*The People of the State of Michigan enact:*

**Section amended.**

SECTION 1. Section one of act number three hundred and eight of the Session Laws of the State of Michigan of eighteen hundred and seventy-nine, as amended by act number three hundred and eight of the Session Laws of the State of Michigan, of eighteen hundred and eighty-one, entitled "An act to incorporate the city of Mt. Clemens and repeal act number three hundred and seven of the Session Laws of eighteen hundred and seventy-five, approved April eighth, eighteen hundred and seventy-five," is hereby amended so as to read as follows:

**Describing boundaries of city.**

SECTION 1. The following described territory in the county of Macomb and State of Michigan, bounded as follows: Commencing at a point in the center of the Clinton river where the line between the townships of Harrison and Clinton intersects the center of said river, thence south along the line between the said townships to the center of the highway, thence west along the center of the said highway to the west line of claim number one hundred and seventy-three, thence south along the west line of said claim to the southeast corner of the lands of Samuel True, thence in a northwesterly direction along the line between the lands of said True and the lands of Catherine L. Crocker, to the center of the highway, thence along the center of the said highway in a southerly direction to the southeast corner of the lands of Thomas Robetoy, thence in a northwest

lirection between the lands of said Robetoy and the aforesaid Catherine L. Crocker, to the center of the said Clinton river; hence along the center of the said river, upstream, to a point at the intersection of the line between the lands owned by William M. Campbell and the lands of Samuel Wood, with the center line of said river, thence north three degrees east, parallel with the west line of private claim five hundred and forty-one, along the line between the lands of said Campbell and the lands of said Wood, and also between the lands of said Campbell and the lands of William Parrott and the lands of Nicholas Dunmer to the northeast corner of the lands of the said Campbell in private claim one hundred and sixteen, thence easterly at right angles along the line between the lands of one Little and the lands of said Dunmer to a point on the west line of private claim five hundred and forty-one, thence northerly along the west line of said claim five hundred and forty-one to the northwest corner of said claim, thence easterly along the north line of said claim to the northeast corner of said claim, thence southerly along the east line of said claim to a point on the line between the lands of Andrew Greiner and the lands of Euphemia Hubbard, thence easterly at right angles along the line between said Hubbard lands and the lands of said Greiner and also along the north line of lands of said Greiner to the center of the North Branch road (so called), thence southerly along the center of said road to a point on the line between the lands of Francis Mitchell and James Canfield, thence south eighty-five degrees forty-five minutes east along the line between the lands of Mitchell and Canfield to the center of the Fort Gratiot turnpike, thence south twenty-one degrees fifteen minutes west along the center of said turnpike to a point the center of John street, thence south thirty-seven degrees east along the center of said John street to the south-east side line of Front street, thence south and parallel to the center line of Williams street to the center line of Cedar street, thence east along the center line of said Cedar street and a continuation of the center line of the said street to the east line of lands of Leonard E. Parrott, thence south along the said east line of Parrott's land and the continuation of said line to its intersection with the center line of said John street if projected southeasterly, on the aforesaid course of south thirty-seven degrees east, thence southeasterly along the continuation of the said center line of said John street, to a point on the line between the said townships of Clinton and Harrison; thence southerly along the said town line to the place of beginning. be and the same is incorporated and made, constituted and organized into a city to be known as the city of Mt. Clemens.

This act is ordered to take immediate effect.

Approved May 12, 1903.

## [No. 465.]

AN ACT to enlarge the boundaries of the city of Hancock, incorporated from the village of Hancock, Houghton county, State of Michigan, by adding certain lands thereto and including the same within the corporate limits of said city and its respective wards.

*The People of the State of Michigan enact:*

Territory  
added to city.

SECTION 1. All that tract of country situated in the township of Hancock in the county of Houghton, state of Michigan, being a part of lot three in section thirty-five, a part of the southwest quarter of section twenty-six, a part of section twenty-seven, a part of lot two of section thirty-four and lots five, six and seven of section twenty-eight, in township fifty-five north of range thirty-four west, lying between the present boundaries of the city of Hancock, incorporated from the village of Hancock, and a circumscribing boundary line described as follows, viz.: Commencing at the north shore of Portage lake, as now existing, at the intersection therewith of the west section line of section thirty-five, township fifty-five north, of range thirty-four west, thence north along said section line to the southeast corner post of section twenty-six in said township and range, thence east along the south section line of section twenty-five in said township and range to the southeast corner of East Hancock, a plat of which is on record, thence northerly along the east boundary line of said East Hancock to the northeast corner of lot twenty-four thereof, thence west along the north boundary line of said East Hancock to the section line between sections twenty-five and twenty-six in the township and range aforesaid, thence north along said section line to the northeast corner of lot one of block three of Quincy addition to the village of Hancock, thence westerly along the north line of said Quincy addition to the northwest corner thereof, thence westerly in a straight line to the northeast corner of the village of Hancock as bounded by act number three hundred thirty-four of the Session Laws of eighteen hundred ninety-five, thence westerly along the north boundary of said village of Hancock as established by said last named act to the boundary line between the townships of Hancock and Quincy as existing before the incorporation of said city, thence northerly along said township division line to the north and south center line of section twenty-six in said township and range, thence north along said section center line to the center of section twenty-six aforesaid, thence west along the east and west section center line of said section to the west quarter post thereof, thence north along the west section line of said section to the northwest corner thereof, thence west along the north section lines of sections twenty-seven and twenty-eight to the intersection of the same with Portage lake, thence easterly along the shore of Portage lake

o the place of beginning, is hereby added to and included within the corporate limits of the city of Hancock.

Sec. 2. All of said added territory lying and being in lot three of section thirty-five, township and range aforesaid, is hereby made a part of the first ward of said city; all that part of said added territory lying east of the present division line between the second and third wards, extended north to the city limits, is by this act established, is hereby made a part of the second ward of said city; all that part of said added territory lying between the division line between the second and third wards, extended to the north line of the city as by this act determined and the section line between sections twenty-six and twenty-seven, is hereby made a part of the third ward, and all of said added territory lying and being west of the section line between sections twenty-six and twenty-seven and west of the present limits of the city of Hancock, is hereby made a part of the fourth ward of said city.

Territory as  
attached by  
wards.

This act is ordered to take immediate effect.

Approved May 12, 1903.

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[No. 466.]

AN ACT to designate and establish a state road in the county of Arenac, through the townships of Lincoln, Deep River and Clayton.

*The People of the State of Michigan enact:*

SECTION 1. A state road be and the same is hereby established, commencing at the south quarter post of section two, town eighteen north of range four east, thence running north on the quarter line to the center of section twenty-three, town nineteen north of range four east, thence in a northwesterly direction to the north section corner post between sections two and three of said town nineteen north of range four east, thence north on section line between sections thirty-four and thirty-five, of town twenty north of range four east to the north section corner post between said sections thirty-four and thirty-five.

Describing  
direction of.

Sec. 2. The name of said road shall be the Standish and Name Clayton state road.

Approved May 14, 1903.

## [No. 467.]

AN ACT to provide for the preservation of public health, quarantine, support and maintenance of people infected with smallpox and other contagious diseases dangerous to the public health, and to provide punishment for the violation of the quarantine established by the board of health in the county of Mason and state of Michigan.

*The People of the State of Michigan enact:*

Board of  
health to have  
charge of.

SECTION 1. When any person coming from abroad or residing in any city, village or township within the county of Mason, and State of Michigan, shall be infected or shall lately have been infected with the smallpox or other sickness dangerous to the public health, the board of health of the city, village or township, where such person may be, shall make effectual provisions, in the manner in which they shall judge best, for the safety of the inhabitants, by removing such sick or infected person to a separate house, if it can be done without danger to the health, and by providing nurses and other assistance and necessaries which shall be at the charge of the person himself, his parents or other persons who may be liable for his support, if able; otherwise, as a charge to the city, village or township to which he belongs if a resident of Mason county. If a non-resident, to the county to which he belongs: Provided. That the health board shall keep and render an itemized and separate statement of expenses incurred in caring for each person.

Proviso.

To post  
notices.

SEC. 2. The board of health of the city, village or township shall take immediate steps to quarantine the person or persons infected with smallpox or other diseases dangerous to the public health, and notice of such quarantine shall be given by posting notice on said premises in plain view of the general public.

Penalty for  
violating  
quarantine.

SEC. 3. Any person who shall violate any quarantine provided for in this act shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in the county jail not to exceed thirty days, or by a fine not less than ten dollars or more than fifty dollars, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 14, 1903.

## [No. 468.]

AN ACT to provide for the preservation of the public health, quarantine, nuisances and offensive trades, in the county of Cheboygan, and to authorize the board of supervisors of said county to contract for medical treatment of those afflicted with contagious diseases, and to provide pest houses by renting, purchasing or constructing the same in said county.

*The People of the State of Michigan enact:*

SECTION 1. When any person coming from outside the county or residing in any township, city or village within the county of Cheboygan shall be infected or shall lately before have been infected with a dangerous, communicable disease, the board of health of the township, city or village where such person may be shall make effectual provisions in the manner in which they shall judge best for the safety of the inhabitants, and they may remove such sick or infected person to a separate house if it can be done without danger to his health, and shall provide nurses and other assistance and necessaries which shall be at the charge of the person himself, his parents, or other persons who may be liable for his support, if able: Provided, If such person, his parents, or other person who may be liable for his support be not able to pay for such assistance and necessaries, the board of health shall keep an itemized and separate statement of expenses incurred for each and every person cared for under this section, and shall render such statement to the board of supervisors of the county by filing the same with the county clerk. And the said board of supervisors shall as soon as may be proceed to audit the said bill, and if found that the expenses were necessarily incurred, the services actually and necessarily performed, and the amounts claimed for such expenses and services are severally just and reasonable under the circumstances, the said board of supervisors shall allow the same or such parts thereof as the majority of the members elect of said board shall deem just and provide for their immediate payment by the said county, and in auditing such accounts, said board of supervisors shall have full power to examine into the merits of all claims presented to them in accordance with the provisions herein contained, and may subpoena witnesses and take any other measures necessary to arrive at the truth of the same; and the said board of supervisors is hereby empowered, if necessary, to issue orders or borrow money on the faith and credit of the county to pay all such necessary bills and expenses, and to include the same in the next appropriation of money to be raised by taxation in said county.

SEC. 2. The board of supervisors of said county of Cheboygan shall have power, and may enter into a contract with any qualified resident physician or physicians, to attend, furnish medicine and treat all contagious diseases of the county, as provided for in section one of this act, for a period of not exceeding one year from the date of contract. They may divide

Duties of  
board of  
health.

Proviso as to  
support.

Who to audit  
bills.

Supervisors  
may contract  
for care of  
patients.

the county into districts, and contract with a physician in each district, in their discretion. Said board of supervisors shall have authority when granted by a vote of not less than two-thirds of the members elect, to provide by renting, constructing or purchase, a suitable pest house or pest houses, for the removal to and care of, such indigent persons afflicted as aforesaid. Said board of supervisors shall provide for, audit and pay all bills they incur under this section in the same manner as provided for the payment of bills under section one of this act.

This act is ordered to take immediate effect.

Approved May 14, 1903.

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[No. 469.]

AN ACT to authorize the boards of supervisors of the counties of Gogebic, Marquette, Iron, Baraga and Bay to have general supervision in cases of contagious diseases arising in said counties; to audit and pay all bills contracted therefor; to establish one or more pest houses, and to employ one or more county physicians and prescribe their duties.

*The People of the State of Michigan enact:*

Powers of  
board relative  
to.

SECTION 1. The boards of supervisors in the counties of Gogebic, Marquette, Iron, Baraga and Bay shall, after the passage of this act, have general supervision over all contagious diseases arising or existing in their respective counties, and in order to carry out their authority therein, may make such rules and regulations relative to the same as said boards of supervisors may deem proper; said rules and regulations to be duly entered in their records. They shall have authority to purchase lands, establish and maintain one or more pest houses in their respective counties for the reception and treatment of persons having any malignant and infectious disease, dangerous to the public health, and for the care of all persons who may have been exposed to any such diseases. They shall likewise have power to hire all necessary officers and servants to properly care for the same, and prescribe their duties and compensation.

Appointment,  
etc., of  
county phy-  
sician.

SEC. 2. Each of said boards of supervisors shall have power to contract with and appoint a county physician and prescribe his duties. Any county physician when so appointed, shall file his acceptance thereof with the county clerk of the county, and shall hold his office for the term of one year and no longer unless reappointed. He shall receive such compensation as the board of supervisors may prescribe. The action of the board of supervisors of the county of Gogebic, heretofore taken in employing a county physician, is hereby ratified and legalized.

**SEC. 3.** It shall be the duty of the county physicians provided for in this act, when called upon by the supervisor of any township, president of any village, or mayor of any city within his respective county, to investigate cases of contagious, malignant diseases dangerous to the public health, to immediately visit the locality where they may exist, and take such steps for the proper treatment of the same as said county physician may deem proper, subject nevertheless, to the general rules formulated by the board of supervisors of his respective county for his guidance therein, and no bills or accounts incurred for the treatment of said diseases shall be binding upon or payable by the said county unless the same shall have been incurred under and by direction of the authority of the county physician thereof.

**SEC. 4.** In case of the absence of the county physician from the county or his inability to perform his duties, the chairman of the board of supervisors of said county may, in writing, designate some other physician in his county to perform the duties of said county physician for the time being, and the said physician so appointed temporarily shall perform the duties prescribed for the county physician during his absence or inability to perform the same.

**SEC. 5.** All bills payable by the county for the treatment of contagious diseases aforesaid shall be presented to the respective boards of supervisors for allowance and payment as soon as may be after the same has been contracted, and the same shall not be received and audited unless they shall have endorsed thereon the certificate of the county physician that the same have been incurred under and by his direction.

**SEC. 6.** In order to carry out the provisions of this act, the said boards of supervisors shall be vested with all the powers vested in local boards of health under the general laws of this state, and the said county physicians, in the performance of their duties, shall possess all the authority now vested in health officers under the laws of this state.

**SEC. 7.** This act shall not be construed as doing away with the local boards of health in any of said counties, but the same shall continue to perform their duties as prescribed by law with the exception that said local boards of health shall not have the power to bind their respective counties with the payment of any accounts contracted by them in the treatment of contagious malignant diseases unless they shall act under the direction of the county physician of their county.

This act is ordered to take immediate effect.

Approved May 14, 1903.

## [No. 470.]

AN ACT to authorize the township of Cooper in the county of Kalamazoo, to borrow money and issue bonds therefor, for the purpose of building a bridge across the Kalamazoo river in said township, and to provide for the payment of the principal and interest on said bonds.

*The People of the State of Michigan enact:*

Bond issue by township.

SECTION 1. The township board of the township of Cooper in Kalamazoo county, is hereby authorized and empowered to borrow not exceeding nine thousand dollars, on the faith and credit of said township, and issue its bonds therefor; said moneys to be used in the building of a new bridge across the Kalamazoo river in said township, in place of the "Cooper Center bridge," so called. The sum of nine thousand dollars hereby authorized to be borrowed shall be due and payable, one third in one year, one third in two years and one third in three years, together with interest at a rate of not to exceed six per cent per annum.

Question to be submitted to electors.

SEC. 2. Such money shall not be borrowed nor such bonds issued, unless a majority of the qualified electors of said township of Cooper, voting at a special township meeting in said township, to be called or ordered by the township board of said township, at any time after the taking effect of this act, shall vote in favor of said proposition; and the said township board is hereby authorized and empowered to submit the question of said loan to the qualified electors of said township, at such special township meeting, giving due notice thereof, by causing the date, place of voting, and object of said election to be stated in printed or written notices, posted in at least five public places in said township not less than twelve days prior to said election, which notices shall state the amount of money proposed to be borrowed.

Form of ballot.

SEC. 3. The proposition of issuing the said bonds provided for in section one of this act, shall be submitted to the electors by ballot, which ballot shall be written or printed, or partly written and partly printed, and in the following form:

For the Cooper Center bridge loan—Yes.

For the Cooper Center bridge loan—No.

Vote how canvassed.

Said vote shall be canvassed in the same manner as the votes cast at township meetings, and if, upon the canvassing of said vote, it shall be found that a majority of the electors voting upon such proposition have voted in favor of the same, the said township board shall be authorized to issue the bonds of said township as provided in the first section of this act.

Amount board to raise by tax.

SEC. 4. It shall be the duty of the township board of the said township of Cooper to raise by tax upon the taxable property of said township, in each of the years following the making of the loan provided for by this act, in addition to the other taxes authorized by law to be assessed and collected in the

**township, an amount sufficient to pay one-third of the principal obligation and the interest on the amount unpaid.**

**SEC. 5.** It is hereby made the duty of the township board of said township of Cooper to issue to the township treasurer definite orders for the payment of the several installments of principal and interest of the loan in this act provided for, as the same shall become due, and it shall be lawful for said township board to borrow from the contingent fund of the township such amounts as may be necessary to make up any shortage in the collections on account of the bridge loan tax arising from delinquent taxes in any year.

Further duties of board.

This act is ordered to take immediate effect.

Approved May 14, 1903.

[No. 471.]

**AN ACT to amend sections five, nine, eleven, twelve, thirteen, fourteen, twenty-one and twenty-two of an act, entitled "An act to create a board of water commissioners in the village of Marquette, and to define its powers and duties," approved March second, eighteen hundred sixty-nine, being act number two hundred forty-three of the laws of Michigan of the year eighteen hundred sixty-nine.**

*The People of the State of Michigan enact:*

**SECTION 1.** Sections five, nine, eleven, twelve, thirteen, fourteen, twenty-one and twenty-two of an act, entitled "An act to create a board of water commissioners in the village of Marquette, and to define its powers and duties," approved March second, eighteen hundred sixty-nine, being act number two hundred forty-three of the laws of Michigan of the year eighteen hundred sixty-nine, are hereby amended to read as follows:

**SEC. 5.** A majority of said board shall constitute a quorum for the transaction of business, and said board shall cause to be kept an accurate record of all its proceedings and also a separate recorded list of all assessments for water rates, which shall be subject to public inspection at all times.

Quorum of board, records to keep, etc.

**SEC. 9.** Said board shall on or before the second Monday of May of each year, estimate and report to the common council of the city of Marquette the amount of money required to be raised by tax during the ensuing year for said board for fire protection account, for sinking fund, for the payment of indebtedness and for other necessary expenditures, specifying the sum estimated for each of said purposes; and the sum specified for fire protection account shall not be less than thirty dollars for each fire hydrant in the city, nor more than fifty dollars for each hydrant. Said amount shall be raised by special tax, to be designated "Fire and Water Tax," upon the

Report estimate to council.

Limit of amount raised.

general tax roll of the city for such year, and when collected shall be placed to the credit of said board and be applied for the purposes for which the same was raised.

**May lay pipes, etc.** SEC. 11. Said board shall have power to lay pipes in and through any of the streets, alleys and public grounds of said city and to construct such intakes, wells, reservoirs, pumping works, stand pipes, valves, gates, hydrants, fountains and other structures as they shall deem expedient; and may provide that the whole expense thereof, including the land and rights of way therefor, be defrayed out of any appropriate funds in hand or to be raised by tax or loan, or that such expense, or such portion or amount thereof as they shall determine to be just, shall be raised by special assessment on the lots and parcels of real estate to be specially benefited by any such improvement. Before incurring any expense, except for land and right of way, for any improvement, the expense of which is to be in whole or in part defrayed by special assessment, said board shall cause a brief description of such proposed improvement, with estimates of the cost and expense thereof and of the portion or amount proposed to be raised by special assessment and also a plat or description of the district proposed to be assessed, to be deposited for public examination for at least ten days prior to the time when said board will hear objections and suggestions in relation to the same; and notice thereof and of the time and place where said board will meet to hear such objections and suggestions, shall be given by publication in a newspaper of said city at least ten days prior to such time. Upon or after such hearing said board may make changes or alterations in the plans and estimates for said proposed improvement, in the amount to be raised by special assessment and in the district to be assessed, and may construct or enter into a contract for the construction of said improvement; and when the amount to be raised by special assessment for such improvement shall be determined by said board, they shall make or cause to be made a special assessment roll of all the lots and parcels of land within said district, except public property, and shall assess thereon against the said lots and parcels of land and against the owners, if known, the amount to be raised by special assessment for such improvement, assessing upon each lot or parcel of real estate embraced therein its just proportion, according to their judgment, of the whole amount to be raised by special assessment for such improvement, having reference to the proportionate amount of benefit to be derived from such improvement by each of said lots or parcels of land.

**When to make roll.** A time and place shall be fixed where said board will meet to consider the revision and confirmation of said roll, and ten days' notice of such meeting and the purpose thereof shall be given by publication in some newspaper of said city. Upon or after such hearing said board may confirm such roll or may revise and amend the same and change the limits of the assessment district or the amount of the assessment upon any lot or parcel of land therein, or may make or

**When to confirm.**

cause to be made a new assessment roll for such improvement; and in case the limits of such district be enlarged or a new roll be made, another and like notice of revision and confirmation of said revised roll or of such new roll shall be given in the same manner; and proceedings may be had thereon in like manner until confirmation is had of a roll, a notice of the confirmation of which has been given, as aforesaid.

SEC. 12. Upon and after the confirmation of any such roll Assessments  
to be lien. each of the several assessments therein made shall at once be a personal charge in favor of said board against the owner of the real estate against which such assessment was made and together with all interest and legal charges thereon shall be and remain a lien on such real estate until the same is paid; and such assessment roll shall be presumed by all courts and tribunals to be regular and valid, and shall be prima facie evidence of the validity of the assessments therein made against the persons and property therein named and the owners of such property; and said assessments shall not be deemed to be invalid by reason of having been made against any person other than the owner of the real estate, who shall be and remain personally liable therefor; and said assessments shall bear interest at the same rate and be collected in the same manner, as near as may be, as is or may be provided by the charter of the city of Marquette, in respect to special assessments levied by the common council of said city, and the laws of the state applicable to such assessments; and notice of the lien of such assessments may be filed, by order of said board, in the office of the register of deeds of said county, and may be discharged in the same manner as is or may be provided by said charter with respect to special assessments levied by said common council; but the failure to file any such notice shall not be deemed a waiver of the lien of any such assessment. All the provisions of the charter of said city in reference to the validity, the vacation, the reassessment and the collection of special assessments, and the return, sale and disposition of lands delinquent for non-payment of such special assessments, and other things pertaining to special assessments subsequent to the confirmation thereof, shall be deemed applicable, so far as practicable, to such special assessments levied by said board, except that said board shall possess the powers and perform the duties therein required of the common council; and said board and its officers and the proper state, county and city officers and the courts of this state are hereby given the same powers and jurisdiction and are hereby required to perform all duties in respect to such assessments, subsequent to confirmation, and in proceedings for the collection thereof upon the tax roll of said city, or otherwise, and in the return, sale and conveyance of lands for such assessments, as near as may be, as are or shall be conferred upon and required by the common council of said city and of State, county and city officers and of the courts of this state by the charter and ordinances of said city and the laws of this state applicable to Interest, how  
collected,  
etc. Provisions of  
charter to  
apply. Powers and  
duties of  
officers.

special assessments levied by the common council of said city, with the same force and effect.

**Appointment, etc., of fire wardens.** SEC. 13. Said board shall appoint and shall fix and pay the compensation of one or more fire wardens of the city, who shall qualify as other officers of the city and give such bond for the faithful performance of their duties as said board may require and approve; and shall hold such office until their successors shall be appointed and enter upon their duties. Such fire wardens shall perform all the duties required of fire wardens by the ordinances of the city and such further duties as may be required by said board.

**Duties.** Said board shall also have power to employ superintendents, clerks, inspectors, assessors, collectors, firemen, engineers, surveyors and such other persons as they may deem necessary to enable them to perform their duties under this act, and to specify the duties of the persons so employed, and to fix their compensation: Provided, That in no case shall said commissioners receive, directly or indirectly, any compensation for their own services.

**Other employees.** SEC. 14. Said board shall from time to time cause to be assessed the water rate or rates to be paid by the owner or occupant of each premises, building or part thereof supplied with water, upon such basis as they shall deem equitable; and such water rates and the reasonable costs of collection thereof shall be and remain a lien until paid, upon such premises and upon the lot or parcel of land upon which such building is situated.

**Proviso.** Such rates shall be so adjusted from time to time that the amount of money raised by water rates each year shall not exceed three-quarters of the total amount to be expended in such year for maintenance of the fire department, operating expenses of the water-works system and interest on the indebtedness of said board. Said board shall have power to make and enforce all necessary by-laws and regulations for the collection of water rates, either by the appointment of collectors to demand the same, requiring payment at the office of the treasurer, shutting off the water, or by suit in any court of competent jurisdiction; and suit may be brought in the circuit court for the county of Marquette, in chancery, for the foreclosure of the lien on real estate of any sum or sums for water rates, irrespective of amount involved, and any number of claims may be embraced in such suit; and said court shall have jurisdiction to hear, try and determine such suits: Provided, That the attempt to collect such rates by any method above mentioned shall not in any way invalidate the lien of such water rates upon the real estate, until payment thereof.

**Board to assess water rates.** SEC. 21. Said board is hereby empowered to accumulate a sinking fund for the payment of the bonded indebtedness created on account of the fire and water systems of the city, and for that purpose may appropriate thereto any surplus funds in their hands from time to time, and may also embrace in the estimates mentioned in section nine of this act, and cause to be raised by tax in each year a sum of money not exceeding in amount one-tenth of one cent on each dollar of

**How adjusted.** Said board shall have power to make and enforce all necessary by-laws and regulations for the collection of water rates, either by the appointment of collectors to demand the same, requiring payment at the office of the treasurer, shutting off the water, or by suit in any court of competent jurisdiction; and suit may be brought in the circuit court for the county of Marquette, in chancery, for the foreclosure of the lien on real estate of any sum or sums for water rates, irrespective of amount involved, and any number of claims may be embraced in such suit; and said court shall have jurisdiction to hear, try and determine such suits: Provided, That the attempt to collect such rates by any method above mentioned shall not in any way invalidate the lien of such water rates upon the real estate, until payment thereof.

**Board may make by-laws.** SEC. 21. Said board is hereby empowered to accumulate a sinking fund for the payment of the bonded indebtedness created on account of the fire and water systems of the city, and for that purpose may appropriate thereto any surplus funds in their hands from time to time, and may also embrace in the estimates mentioned in section nine of this act, and cause to be raised by tax in each year a sum of money not exceeding in amount one-tenth of one cent on each dollar of

**Suits, how brought.** Said board shall have power to make and enforce all necessary by-laws and regulations for the collection of water rates, either by the appointment of collectors to demand the same, requiring payment at the office of the treasurer, shutting off the water, or by suit in any court of competent jurisdiction; and suit may be brought in the circuit court for the county of Marquette, in chancery, for the foreclosure of the lien on real estate of any sum or sums for water rates, irrespective of amount involved, and any number of claims may be embraced in such suit; and said court shall have jurisdiction to hear, try and determine such suits: Provided, That the attempt to collect such rates by any method above mentioned shall not in any way invalidate the lien of such water rates upon the real estate, until payment thereof.

**Proviso.** SEC. 21. Said board is hereby empowered to accumulate a sinking fund for the payment of the bonded indebtedness created on account of the fire and water systems of the city, and for that purpose may appropriate thereto any surplus funds in their hands from time to time, and may also embrace in the estimates mentioned in section nine of this act, and cause to be raised by tax in each year a sum of money not exceeding in amount one-tenth of one cent on each dollar of

**May accumulate sinking fund.** Said board shall have power to make and enforce all necessary by-laws and regulations for the collection of water rates, either by the appointment of collectors to demand the same, requiring payment at the office of the treasurer, shutting off the water, or by suit in any court of competent jurisdiction; and suit may be brought in the circuit court for the county of Marquette, in chancery, for the foreclosure of the lien on real estate of any sum or sums for water rates, irrespective of amount involved, and any number of claims may be embraced in such suit; and said court shall have jurisdiction to hear, try and determine such suits: Provided, That the attempt to collect such rates by any method above mentioned shall not in any way invalidate the lien of such water rates upon the real estate, until payment thereof.

the assessed valuation of the city. Said board may invest the <sup>How may</sup> moneys of such fund in interest bearing government, state, county or municipal bonds, which shall be kept in the custody of the treasurer, or in such place of safety as the board shall direct.

SEC. 22. It shall be the duty of said board of commissioners <sup>To report to</sup> council. to make a report to the common council of said city on or before the second Tuesday of March of each year; which report shall embrace a statement of the condition and operation <sup>What to contain.</sup> of the fire department and water works system; a statement of the funds and securities of said board, all debts due and owing to and by said board, an accurate account of their expenses, and a list of the fires and of the losses and insurance on all property injured or destroyed by fire during the year; which statement shall be certified by said commissioners and shall be filed with the recorder of said city and be published in such manner as said common council may direct.

This act is ordered to take immediate effect.

Approved May 14, 1903.

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[No. 472.]

**AN ACT to reincorporate the city of Benton Harbor, Berrien county, Michigan.**

*The People of the State of Michigan enact:*

SECTION 1. The following described territory is hereby constituted and declared to be a city corporate, by the name of Benton Harbor, as follows: Commencing at the center of the St. Joseph river at a point where the south line of section twenty-four, town four south, range nineteen west, would, if extended west, intersect said river, the same being in Berrien county, Michigan; thence east, along the south line of said section twenty-four, and along the south line of section nineteen, town four south, range eighteen west, the same being the center line of Empire avenue, to a point sixty rods west of the east line of said section nineteen; thence north, parallel to the east line of said section nineteen, to the center line of Vineyard avenue (or Vineyard avenue produced); thence east on said center line of Vineyard avenue to the east line of said section nineteen; thence north along said east line of section nineteen and along the east line of section eighteen, town four south, range eighteen west, to the east terminus of the east and west quarter-line of said section eighteen; thence west along the east and west quarter-line of section eighteen, town four south, range eighteen west, to a point one thousand three hundred and twenty feet west of the east line of said section eighteen; thence north one thousand three hundred and twenty

Territory to contain.

feet; thence west to the center of the Paw Paw river; thence westerly and southerly along the center of the said Paw Paw river to a point fifty feet north of the north line of the Paw Paw river, also known as the ship canal; thence westerly parallel to and fifty feet north of the north bank of the said Paw Paw river, also known as the ship canal, to the center of the St. Joseph river; thence southerly along the center of the St. Joseph river, passing through the center of the draw pier of the highway bridge to the place of beginning.

**Boundaries  
of wards.**

SEC. 2. Said city of Benton Harbor shall be divided into four wards, said wards to be known and bounded as follows:

**First ward.**

a. The first ward, which shall be bounded as follows: Commencing at the intersection of the center of Pipestone and Main streets in the city of Benton Harbor; thence southeasterly along said Pipestone street to the center of Michigan street; thence southwesterly along the center of Michigan street to the center of Colfax avenue; thence south along the center of Colfax avenue to the south city limits, being the south line of said section nineteen; thence west to the center of the St. Joseph river; thence northerly and westerly along the center of the St. Joseph river to the center of the Paw Paw river, also known as the ship canal; thence northeasterly along the center of the ship canal to the center of Bridge street; thence along the center of Bridge street to the center of Water Street; thence southerly along the center of Water street to the place of beginning.

**Second ward.**

b. The second ward, which shall be bounded as follows: Commencing at the intersection of the center of Michigan and Pipestone streets; thence southeasterly along the center of Pipestone street to the south city limits, being the south line of said section nineteen; thence westerly along the said south limits to the center of Colfax avenue; thence north along the center of Colfax avenue to the center of Michigan street; thence northeasterly along the center of Michigan street to the place of beginning.

**Third ward.**

c. The third ward, which shall be bounded as follows: Commencing at the intersection of the center of Main and Pipestone streets; thence east along the center of Main street to the center of Fourth street; thence south along the center of Fourth street to the center of Highland avenue; thence east along the center of Highland avenue to the center of Fair avenue, that being the east city limits; thence southerly along the center of Fair avenue, being the east line of said section nineteen, to the center of Vineyard avenue, or Vineyard avenue produced; thence west sixty rods; thence south, parallel with the east line of said section, to the south line of said section, that being the south city limits; thence westerly along said south city limits, to the center of Pipestone street; thence northwesterly along the center of Pipestone street to the place of beginning.

**Fourth ward.**

d. The fourth ward, which shall be bounded as follows: Commencing at the intersection of the center of Bridge street and the ship canal; thence west along the center of the ship

canal to the west city limits; thence northerly and westerly, fifty feet north of the ship canal and along the center of the Paw Paw river, that being the westerly and northerly city limits, to the north city limits in section eighteen, town four south, range eighteen west; thence following the north and east city limits to the center of Highland avenue; thence westerly along the center of Highland avenue to the center of Fourth street; thence northerly along the center of Fourth street to the center of Main street; thence westerly along the center of Main street to the center of Water street; thence northerly along the center of Water street to the center of Bridge street; thence westerly along the center of Bridge street to the place of beginning.

SEC. 3. The council of said city of Benton Harbor shall have <sup>Powers and duties of council.</sup> the authority to require and cause all docks, wharves and landings, whether upon public grounds or upon the property of private persons, to be constructed of such material and in such manner and maintained in conformity with such grades as may be established therefor by the council, and may prescribe the line beyond which any such wharf, dock or landing shall not be constructed or maintained; the council may by resolution require the owner or owners of any property abutting upon any navigable water in said city to build, construct and repair such docks, wharves and landings in said city as said council may designate, and in conformity with the provisions established therefor by the council; and should any such owner or owners neglect or refuse to build, construct or repair such docks, wharves or landings within the time and in the manner specified by the council, then the council may cause the same to be done, and may cause the expense thereof, together with all expenses for engineering, preparing plans and all other costs and expenses in relation thereto, to be paid by special assessment upon the property adjacent to or benefited by such improvement, in the manner in act number two hundred and fifteen of the Public Acts of Michigan for the year A. D. one thousand eight hundred and ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," provided for levying and collecting special assessments; or in the discretion of the council, a proportion of such costs and expenses may be paid by special assessments as aforesaid and the balance thereof from the general street fund.

SEC. 4. The cost and expense of any improvement in said city which may be defrayed by special assessment, shall include the cost of all surveys, plans, assessments and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement, exceed twenty-five per cent of the value of such lot or premises as last valued and assessed by the board of review in said city; any cost exceeding that per cent which would otherwise be chargeable upon said lot or premises shall be paid from the general funds of the city: Provided, If any <sup>Special assessments.</sup> ~~lot or premises included in such special assessment district~~ <sup>Proviso.</sup>

was not separately assessed and valued by such board of review, then the board of assessors, subject to the approval of the council, may make such assessment and valuation at the time of making the special assessment, which, when confirmed by the council, shall be final.

General tax  
not to exceed  
one per cent.

SEC. 5. The aggregate amount which the council may raise by general taxes upon the taxable real and personal property in said city for the purpose of defraying the general taxes and liabilities of the corporation and for all purposes for which the several general funds mentioned in section three of chapter thirty of said act number two hundred and fifteen of the Public Acts of Michigan for the year eighteen hundred and ninety-five, are constituted (exclusive of taxes for school and school house purposes), shall not, except as herein otherwise provided, exceed in any one year one per cent; and if a street district fund is raised in any street district as provided in the first subdivision of section four and in section six of said chapter thirty, then the amount so raised in any street district for a street district fund, shall not, together with the amount raised in such district for the several general funds above mentioned and as above provided, exceed in any one year one per cent of the assessed value of the taxable property, real and personal in the street district.

Amount may  
be raised  
in street  
districts.

SEC. 6. In addition to the above amounts, the council may raise in any year by special assessments in any sewer district, and in any special assessment district for the purpose of grading, paving, curbing, graveling and otherwise improving any street, and for constructing sewers and drains, and making other local improvements, chargeable upon the lands and property in the district according to frontage, or benefits, and for any other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary but not exceeding in any year, for any one of such improvements, five per cent of the value of said lands and property as last valued and assessed by the board of review.

Special as-  
sessments not  
to exceed five  
per cent.

SEC. 7. The council also in the month of September, or in the month of May, where the council has decided to have the taxes levied and paid in two installments as authorized in section two of said chapter thirty, shall pass an ordinance to be termed the "Annual Appropriation Bill," in which they shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds and from the street district funds, as estimated and determined upon, as provided in section ten of said chapter thirty, and shall order the same or so much of such amounts as may be necessary to be raised by tax with the next general tax levy, or with the city or July tax levy, where the council has decided to have the taxes levied and collected in two installments, and to be paid into the several general funds and street district funds of said city; but the whole amount so ordered to be raised by tax shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sec-

Annual appro-  
priation bill,  
what to con-  
tain, etc.

tion five of this act and section nine of said chapter thirty, to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made and the amount appropriated for each purpose and object, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which they require to be levied or reassessed as mentioned in section eleven of said chapter thirty, and the disposition to be made of such moneys; and shall designate in said bill any local improvements which they may deem advisable to make during the current or next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

**SEC. 8.** Instead of levying a tax for the whole amount authorized by this act to be raised in that manner for any year for the purpose of the general and street district funds, the council may in its discretion raise a part thereof by tax and a part thereof by loan: Provided, That the proposition to raise a part thereof by loan shall be authorized by two-thirds of the electors at an annual or special election called for that purpose.

May raise funds, part by tax and part by loan.

Proviso.

**SEC. 9.** The board of education shall make and deliver to the city council annually in the month of September an estimate and report of the amounts necessary to be raised, in addition to other school funds, for the entire support of the public schools, including pay of teachers, indebtedness falling due, and for the purchase of grounds and the construction of school buildings and support of the library, and for all purposes of expenditure, which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be; which sums so reported, the council shall cause to be raised by tax upon all the taxable property of the city with the state, county and delinquent city taxes thereafter to be raised: Provided, That the amount so to be raised in any one year for all purposes above mentioned shall not exceed one-half of one per cent of the taxable valuation of the real and personal property in said city as last valued and assessed by the board of review.

Board of education to report estimates of school funds.

Proviso.

**SEC. 10.** For the payment of current expenses the board of education may borrow from time to time in anticipation of the collection of taxes levied or herein authorized to be levied, during the same year for school purposes, such sum not exceeding twenty-five per cent of the tax, to be paid therefrom as they may deem expedient. Should any greater sum be required in any year for any of the purposes herein provided than can be raised under the provisions of the foregoing section, such sum, not exceeding two per cent of the assessed valuation of the property in the city as last valued and assessed by the board of review, may be raised by tax or loan if authorized by a majority vote of the qualified electors of the district present and voting thereon at any general meeting or at any special meeting appointed and called by the board for the purpose of

When may borrow money.

When question to be submitted to electors.

voting thereon. The electors voting on such proposition shall have the qualifications prescribed under the general school laws of this state for electors voting on proposition involving the raising of money by tax. Notice of the time, place and object of any such meeting shall be given by publishing such notice in one of the newspapers in the city, and by posting copies thereof in ten public places in the city, at least ten days before the meeting; for any sum borrowed and for the renewing of former loans, the board may issue bonds of the public schools of the city, for the payment of which the faith of the district shall be pledged.

**City subject to certain act.** SEC. 11. Except as herein provided the said city of Benton Harbor shall be subject to the provisions of act number two hundred fifteen of the Public Acts of the State of Michigan for the year one thousand eight hundred and ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class."

**Office to continue.** SEC. 12. All officers of the city of Benton Harbor and of the first, second, third and fourth wards of said city as now constituted, shall continue in their respective offices for the terms for which they were chosen, and represent the city of Benton Harbor, and the first, second, third and fourth wards respectively, as designated in this act.

**Ordinances, etc., to remain in force.** SEC. 13. The by-laws and ordinances of the city of Benton Harbor, and the rules and regulations of the council and of the board of health and any other board or boards of said city of Benton Harbor, now in force, and not inconsistent with this act, shall remain in force after the passage of this act, and are hereby declared to be reenacted by virtue of and under the powers conferred by this act, until altered, amended or repealed by the council or such board, as the case may be.

This act is ordered to take immediate effect.

Approved May 19, 1903.

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[No. 473.]

**AN ACT to provide a method for the better construction and care of highways in Berrien county.**

*The People of the State of Michigan enact:*

**When question of raising money for, to be submitted to electors.**

SECTION 1. Whenever any considerable number of the taxpayers of a township seem to be agreed that it will be for the best interests of the township to provide for the substantial betterment of the roads of the township, and that the raising of moneys sufficient to accomplish that result is necessary for the public good, not less than twenty-five of the taxpayers of the township may join in a request to the township board that the question of raising moneys by tax for the construction and

are of good roads shall be submitted to the taxpayers of the township at the then next succeeding township meeting, and that the rate of said tax be determined by such meeting to be . . . . . per cent on the assessed valuation of the property of the township; but the rate of the tax asked to be raised, shall not be less than one-half of one per cent, nor more than five per cent on the total assessed valuation of the township.

**SEC. 2.** On receipt by the township board, of the request mentioned in the preceding section, the said board shall give public notice, not less than thirty days prior to the then next succeeding township meeting, that at the said township meeting the taxpayers of the township will be called upon to vote upon the question of raising a money tax on the taxable property in the township, of . . . . . per cent on the assessed value of the township, (which rate shall be the same as that specified in the request for the submission of the question to the taxpayers of the township), such money tax so to be raised, to be expended by the highway commissioner under the direction of the township board, and not otherwise. Said notice shall be published in at least three issues of one or more weekly papers generally circulating in the township, and by posting in at least five public places in said township; and proof of said publication and posting shall be placed of record in the proceedings of the township board.

**SEC. 3.** The voting on the question stated in section two of this act, shall be by ballot, and it shall be the duty of the township board to provide printed ballots for the purpose, and a separate ballot box in which the ballots shall be deposited when received from the voters. The result of the vote on the question of raising a money tax, as heretofore described, shall be canvassed, counted, declared and recorded in the doings of the township meeting as other votes are canvassed, counted, declared and recorded.

**SEC. 4.** If it shall be found that the voters have determined, by a majority vote, that a money tax, on the taxable property of the township, shall be raised for the construction and care of the highways of said township, and that the rate per cent of such tax is the same as that which was asked to be voted on, it shall be the duty of the supervisor of the township to place the same on his roll, and to make the levy therefor in all respects in accord with the general tax laws of the state.

**SEC. 5.** It shall be the duty of the township board to determine where the moneys raised under the provisions of this act shall be expended, the amount to be expended on any one road, and the part of the road to be improved, and shall deliver to the highway commissioner, in writing, definite instructions as to the construction and care of the several highways upon which it is intended to expend the funds of the township which have been raised for the purposes set forth in this act.

**SEC. 6.** In any township availing itself of the provisions of this act, there shall be no other revenues credited to the highway fund save as herein set forth; the highway labor tax

Notice of election, how given.

Election, how conducted.

When tax to be raised.

Moneys, how expended.

When highway tax not to be levied.

shall not be levied, nor shall any other tax for highway purposes be voted.

"Highways" defined.

SEC. 7. The word "highways," as used in this act shall be understood to include the bridges as well as the roadways in the township operating under this act.

Act, how to continue in force.

SEC. 8. This act shall continue in force in any township which shall vote in favor of availing itself of its provisions, until the taxpayers of the township shall vote for a return to the provisions of the general highway laws of the state, for the care and improvement of the highways; but the question of such return to the provisions of the general highway laws shall not be submitted to the voters of the township until the provisions of this act shall have been in force in the township for at least three years; and then only on the written request of at least twenty-five taxpayers of the township, setting forth their belief that the results have not been satisfactory to the best interests of the township.

How applied.

SEC. 9. The provisions of this act shall apply only to Berrien county.

This act is ordered to take immediate effect.

Approved May 20, 1903.

—  
[No. 474.]

AN ACT to authorize the township of Weldon, Benzie county, to issue the bonds of the township in the sum of two thousand dollars for the purpose of building a system of water-works in the said township, outside the corporate limits of the village of Thompsonville.

*The People of the State of Michigan enact:*

Amount of, how used, etc.

SECTION 1. That the township board of Weldon Township, Benzie county, is hereby authorized to issue negotiable coupon bonds of said township to the amount of two thousand dollars, for the purpose of providing funds for building a system of water-works in said township outside the village limits of the village of Thompsonville. Said bonds shall be designated as water-works bonds, and shall become due and payable not later than ten years after their date, and shall bear interest at six per cent per annum, payable annually, and shall be in such form and denomination, and executed in such manner as the township board may, by resolution, direct, and when issued and delivered, for value, shall be valid and binding obligations upon said township.

This act is ordered to take immediate effect.

Approved May 20, 1903.

[No. 475.]

AN ACT to establish and provide justices' courts in the city of Detroit, and to repeal act number four hundred and twenty-six of the Local Acts of nineteen hundred and one, approved May thirteenth, nineteen hundred and one.

*The People of the State of Michigan enact:*

SECTION 1. That there shall be four justices of the peace in <sup>Four justices to be elected.</sup> and for the city of Detroit, who shall be elected at the regular charter election of said city, or at any general election held therein, in the same manner, possess the same jurisdiction, powers, duties and liabilities, as justices of the peace for townships, excepting as otherwise provided by law. Each of said <sup>Term of office.</sup> justices of the peace shall hold his office for the term of four years, commencing on and after the fourth day of July succeeding his election. The four justices of the peace heretofore elected, and now holding office in said city of Detroit, shall be and continue to act as justices of the peace under the provisions of this act until the expiration of their respective terms of office for which they have been elected, and until their successors are elected and have qualified. The files, records and dockets belonging or appertaining to the offices of justice of the peace now in office, and all files, records and dockets hereafter appertaining to such offices, shall be filed and safely kept in the office of the clerk of said justices' courts herein-after mentioned.

SEC. 2. At the general election held in November, in the year nineteen hundred and four, and every two years hereafter, there shall be elected two justices of the peace, whose terms of office shall commence on the fourth day of July next succeeding their election, and who shall hold their office for a term <sup>Two to be elected every two years.</sup> <sup>Term of office.</sup>

SEC. 3. The auditors of the county of Wayne shall provide suitable rooms for the accommodation of said justices of the peace, and also an office for the clerks hereinafter mentioned, also such jury rooms as may be necessary, which offices and rooms shall be as nearly contiguous to each other as in the discretion of said auditors, and the convenient dispatch of the business of said courts requires. Said auditors shall also provide necessary dockets and books, including the Michigan Reports, blanks, stationery, furniture and fuel, for the use of said justices and clerks.

SEC. 4. Each of the said justices of the peace elected in the <sup>Jurisdiction of justices.</sup> said city of Detroit, and duly qualified according to law, shall have original jurisdiction of all civil actions wherein the debt or damages do not exceed the sum of one hundred dollars; and concurrent jurisdiction in all civil actions excontractu and exdelicto, wherein the debt or damages or the property involved does not exceed the sum of five hundred dollars, except as provided in section seven hundred and four of the Compiled Laws of Michigan, A. D. eighteen hundred ninety-seven.

**Idem.** SEC. 5. The said justices of the peace of the city of Detroit, as against all other justices of the peace, shall have exclusive jurisdiction of all actions and proceedings within their jurisdiction, where both of the parties thereto shall, at the time of the commencement of such action or proceeding, be residents of said city. They shall also have a like exclusive jurisdiction where the original cause of action existed in favor of a resident of said city, but has been by him assigned: Provided, however, Such assignee resides in Wayne county. They shall also have jurisdiction in all cases where either or any of the parties reside in said city.

**Proviso.**

**Compensation.** SEC. 6. Each of said justices of the peace shall receive from the treasurer of the county of Wayne an annual salary of two thousand five hundred dollars, payable in semi-monthly installments on the certificate of the board of auditors of the county of Wayne.

**Not to affect certain fees.** SEC. 7. This act shall in no way affect the fees to which said justices of the peace shall be entitled on the performance of marriage ceremonies, taking acknowledgments, and in administering oaths in matters not connected in any litigation in the said justices' courts.

**Hours to keep court open.** SEC. 8. Each of the said justices shall have his court room open, and he shall be in attendance at the duties of his office therein, from nine o'clock in the forenoon, city time, until twelve o'clock noon, and from two o'clock until four o'clock in the afternoon: Provided, That where either one of said justices is actually engaged in the trial of a suit, he shall so continue at least until five o'clock in the afternoon, when it shall be necessary so to do in order to finish the trial of said suit.

**Proviso.**

**To be one clerk.** SEC. 9. There shall be one clerk for said justices, who shall be known as the clerk of the justices' courts for Detroit. The office of said clerk shall be open continuously from eight-thirty a. m., until four o'clock p. m., city time, each day, excepting legal holidays. He shall be appointed by the board of auditors for the county of Wayne forthwith upon the making and filing with them of the written recommendation of the majority of said justices holding office, on or before December thirty-first of each year. If for any reason such recommendation be not made and filed by the said date then the said auditors shall make such appointment on their own motion. The term of office of said clerk shall be one year, to commence on the first day of January. He shall receive from the treasurer of Wayne County an annual salary of fifteen hundred dollars, payable in semi-monthly installments on the certificate of said auditors of Wayne county.

**Term of office.**

**Compensation.**

**To file bonds.** SEC. 10. Before entering upon the duties of his office, the said clerk shall file in the office of the clerk of Wayne county, a surety company bond in the penal sum of five thousand dollars, to be approved by the said auditors of Wayne county, conditioned that the said clerk shall faithfully and properly perform the duties of his said office, and that he shall well and truly pay to the treasurer of Wayne county all moneys received by him or by his deputies under him, as clerk of said justices'

courts, for the use of said county, and that he shall well and truly pay to the persons entitled thereto all moneys paid under judgments rendered by said justices, and all moneys paid under garnishments in said justices' courts, and all moneys otherwise received by virtue of his office, and otherwise conditioned as the said auditors shall prescribe.

SEC. 11. It shall be the duty of said clerk to keep a true and complete record of all proceedings before each of said justices, and to enter all judgments in the docket of the justice rendering the same in the time and manner prescribed by law, which judgment shall be signed by the justice by whom it was rendered, and such records shall be hereafter indexed in the proper book to be kept for that purpose, which said index shall be kept both as to plaintiffs and defendants. He shall keep true and correct accounts of all moneys received by him or his deputies, as court fees for the use of Wayne county, or for any other purpose, and shall properly account for and pay over the same to the party entitled thereto. He shall also file and safely keep all papers and books belonging and appertaining to the said justices' courts, none of which shall be removed from said office without the authority in writing of the justice before whom the cause is pending, or the clerk of said court, nor unless proper receipts be given therefor. The said clerk shall also enter in a book provided for the purpose a list of all jurors that sit in trial of cases in said justices' courts, together with the date or dates and the time during which said jurors served, with a reference to the page of the docket containing the record of the cause in which said juror served. Said clerk shall receive all costs, fines and dues of every description, which are provided by law in all proceedings in said justices' courts, and shall pay the same weekly to the treasurer of Wayne county, and shall take his receipt therefor. All moneys paid under judgments rendered by said justices, and all moneys paid under garnishments in said justices' courts shall be paid to said clerk, or his deputy or deputies by him authorized to receive the same. Said clerk shall have power generally to administer oaths and to take affidavits.

SEC. 12. Said clerk shall keep an assignment book or list upon which the names of the justices shall appear, and as cases are commenced, he shall assign them and make all writs and process therein returnable to the said justices in rotation, and as each case is assigned he shall number the same, and the said number shall be designated and known as the file number. All original writs or process issued by said justices shall be returnable at nine o'clock in the morning city time. If upon the return day or the adjourned day of any case, the justice issuing the writ or process therein shall be absent at the time to which the case has been adjourned or the writ or process therein made returnable, or be engaged in the trial of another case, then any of the other justices present shall have the same jurisdiction to proceed therein as though the case had been originally commenced before him, and the record thereof shall be entered in

the docket of the justice issuing the original writ or process: Provided, That it shall not be necessary for the said justices to wait any length of time after the time fixed by any writ or adjournment to dispose of the cases pending before them.

**May appoint,  
etc., deputies.**

SEC. 13. Said clerk shall have and is hereby given the power and authority to appoint such number of deputies as shall be approved by the board of county auditors, whose terms of office shall commence on the first day of January of each year, to properly execute the work of said office, and said appointment shall not be for a longer time than his term of office, and shall be subject to revocation at any time, for cause, by said clerk. Appointments and revocation of appointments of such deputies shall be made by the certificate of said clerk filed with the auditors of Wayne county, and such certificates shall be notices of the appointment or revocation, as the case may be, and the appointment or revocation shall be operative from the time of the filing of such certificate, and the said board of auditors shall cause payment of salary to such deputies accordingly.

**Deputies to  
give bonds.**

The said deputy clerks shall be under the control and direction of the said clerk, and shall perform such duties as he shall direct, and shall have authority to administer oaths, take affidavits, and perform generally the duties of said clerk. Each of said deputies shall, if required by said clerk, furnish a good and sufficient bond for the faithful discharge of his duties, with surety or sureties in such amount and with such conditions as said clerk may prescribe. One of said deputy clerks shall be designated by said clerk as chief deputy, and shall receive a salary of one thousand and two hundred dollars per annum. The other deputies shall each receive a salary of one thousand dollars per annum. Said salaries shall be paid in semi-monthly installments by the treasurer of Wayne county, upon the certificate of the auditors of said county.

**Salary of  
chief deputy.**

**Of other  
deputies.**

**Amounts to  
be paid clerk  
before com-  
mencing suits.**

SEC. 14. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced in said justices' courts, there shall be paid to the clerk of said court by the party bringing the action, the sum of fifty cents and the fees of the officer for service of the writ or process by which such action is commenced, and before the trial of such action or proceeding shall be commenced, the further sum of fifty cents; but in cases of non-suit, no judgment fee shall be required, and proceedings in garnishment shall be treated as part of the principal case, except garnishment proceedings commenced upon judgment rendered prior thereto, in which cases an entry fee and trial fee shall be paid as in other actions herein provided, and no additional fee shall be charged therefor up to and including the entry of judgment therein. The fees paid to the clerk for service of such writ or process by which the action is commenced, shall be retained by said clerk until the writ or process has been returned duly served, or said cause is brought to issue, when the said fee or fees shall be paid by said clerk to the officer making the service, taking his receipt therefor and placing the same in the files of said cause: Provided, That if it appear by the files in said case that no service has been had

**Proviso.**

for three months after the date of the writ, then the officer's fees which have been paid into the court shall be returned by the clerk to the plaintiff in the suit.

SEC. 15. If any person shall satisfy one of said justices by affidavit that he has a good meritorious cause of action for personal services against another within the jurisdiction of said courts, and that he has made personal demand for payment thereof of the debtor, and that such payment has been refused, and that he is financially unable to pay the court costs, and shall also state the name and residence of the debtor, and the amount due over and above all legal set-offs, the justice to whom such affidavit is presented may in his discretion endorse on such affidavit directions to the said clerk to cause to be issued the proper writ in the case returnable before one of the other justices, without charge for court fees for the commencement or trial of said cause. If the plaintiff in such case recover judgment, he shall be entitled to recover his costs therein. The usual court fees, however, shall also be taxed against the defendant, but in favor of Wayne county. If the defendant obtain judgment in such cause, the said court fees shall in like manner and for the like purpose be taxed against the plaintiff. Nothing herein contained shall be so construed as to prevent the circuit court for the county of Wayne, on an appeal of any such cause, to require the appellant therein to give security in said court for costs as in other cases.

SEC. 16. The service of a summons under this act may be made in the manner prescribed in section fourteen of act number one hundred and ninety-one of the public acts of eighteen hundred and seventy-nine, being section seven hundred and sixteen of the Compiled Laws of eighteen hundred and ninety-seven.

SEC. 17. Constables and other officers serving writs or process issued out of said justices' court, shall be entitled to receive for the service of such writs or process within the corporate limits of the city of Detroit, the following fees: For the service of a summons by which suit is commenced, seventy-five cents for each defendant served; for the service of a writ of attachment or a writ of replevin, two dollars; for the service of such process, outside said city limits, the officer shall be entitled to receive in addition to the above compensation, mileage fees according to the statute regulating such fees, to be computed from the place of service to the corporate limits of the city of Detroit. The above fees shall be in full for all services rendered by the officer or his assistants, and it shall be unlawful in any case for the officer or his assistants to demand or receive any compensation whatsoever in addition to the fees above set forth. For the service of other process or the performance of other duties, the fees therefor shall be regulated according to the general statutes providing therefor. Except as herein otherwise provided, this act shall in no way affect the fees to which constables are entitled, or the present method of paying them.

When suits  
may be  
entered with-  
out payment  
of court fees.

Service of  
summons, how  
made.

Fees of off-  
icers for serv-  
ice of process.

Relative to  
drawing of  
juries for  
justice courts.

SEC. 18. The board of jury commissioners, as created by act number two hundred and four of the public acts of eighteen hundred ninety-three, shall annually or whenever required by the clerk of said court, in accordance with the method required by that act, select persons to serve as jurors for the trial of cases, matters and proceedings in said justices' courts, and shall file a list of the persons so selected with the clerk of said justices' courts. The number to be selected on the third Monday of May of each year as provided by said act, shall be three hundred. After the filing of such list, the proceedings for selection, summoning and compelling the attendance of jurors and talesmen shall be, as far as practicable, the same as provided by law for like purposes, as in the circuit court for Wayne county, except that the attendance of the sheriff shall not be required. Jurors shall be drawn and summoned for a term of two months, which shall be the calendar month next succeeding such drawing. Not less than eighteen or more than thirty-six jurors shall be drawn and summoned for a term, unless for a special reason the clerk of said court shall in writing direct that a greater number shall be drawn and summoned. The persons so drawn shall be notified in writing of their liability to jury duty in the justices' courts for the calendar months to be specified, which notice shall be served personally, if practicable, upon each person so drawn, by the sheriff in the manner now provided by law, and a return in writing, of the time and manner of such service shall be made and filed with the clerk of said justices' courts. Said jurors shall report for service to the clerk of said court. The actual attendance of the persons duly notified for jury service may be required and enforced according to law. The persons so serving as jurors shall be entitled to receive from the county of Wayne the sum of two dollars and fifty cents each for each day's actual attendance, which sum shall be paid by the county auditors on certificate of the clerk of said justices' courts. Whenever by law, a judge of the circuit court for Wayne county is required or directed to be present at or to participate in any part of the proceedings to select jurors for that court, the clerk of said justices' court shall perform like duty in like proceedings to select jurors for said justices' courts.

Compensa-  
tion of jurors.

Juries, how  
composed.  
etc.

Proviso.

SEC. 19. Juries in said justices' courts shall be composed of six persons, who shall be residents of said city of Detroit, and shall severally possess the lawful qualifications of jurors in the circuit court for the county of Wayne, and any challenge, which would be valid in said circuit court, shall be valid and sufficient if made in the said justices' courts: Provided, however, That but two peremptory challenges shall be allowed to the plaintiff, and the like number to the defendant in all trials in said justices' courts. If any party demands a jury in any action in said justices' courts, he shall advance to the clerk the sum of five dollars as jury fee, and the same shall belong to the county of Wayne, and shall be turned over by said clerk in the same manner as is required in the case of other moneys re-

ceived by him: Provided, That in all cases where the amount involved does not exceed fifty dollars, the jury fee shall be only three dollars.

SEC. 20. The jury empaneled in any case as herein provided, shall determine any and all questions of fact in such cases, but it shall be the duty of the justice hearing such case to decide all questions of law arising therein, and it shall also be the duty of the said justice to instruct the jury as to the question of law applicable to the case.

SEC. 21. The justice before whom any cause has been tried and verdict or judgment rendered, shall have the same power and authority to set aside the verdict or judgment, and grant a new trial therein upon legal cause shown therefor, as the circuit courts of the State possess: Provided, That a motion in writing be made and filed with the clerk of said justices' courts within five days after the rendition of the verdict or judgment in said case. Said motion shall briefly and plainly set forth the reasons and grounds upon which it is made. Affidavits upon which the motion is founded shall also be filed at the time of filing said motion, and notice of the hearing of such motion, with copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party, or his attorney, at least two days before the hearing thereof. Such motion shall be determined within two days after the same shall have been heard and submitted, and such motion shall be submitted within one week after the same shall have been filed. The time for taking an appeal from judgment, in case such motion be not granted, shall begin to run from the time when such motion shall be overruled. In no case shall the pendency of such motion stay the issuing and levy of an execution in such case; but in case of a levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion.

SEC. 22. No appeal shall be taken from any judgment of any justice of the peace in said city of Detroit, except in the following cases:

First, When said justice shall disallow any claim in favor of any plaintiff or defendant in any cause in said justices' courts, in whole or in part, to the amount of fifty dollars;

Second, When said justice shall render a judgment to the amount of fifty dollars exclusive of costs; in either of which cases, the party aggrieved may appeal;

Third. Appeals may be authorized by the circuit court of the county of Wayne, when the party making the appeal has been prevented from making a defense upon the merits of the case in which such appeal is taken by circumstances not under his control; and such appeal may also be authorized when justice requires that such appeal should be authorized, and in all cases where the parties against whom such appeal is sought has appeared in said justices' courts by an attorney or agent, it will be sufficient to serve such attorney or agent with the notices of all subsequent proceedings in such case and all orders made therein by said circuit court may be served on said attorney or

Further proviso.

Jury to determine cases.

When justice may set aside verdict.

Proviso.

When time for taking appeal to begin to run.

Cases in which appeal may be taken.

agent, and such service shall have the same effect as though made on the party against whom such appeal is taken;

Fourth, Under absolutely no circumstances shall any appeal be allowed or authorized after five days from the rendition of judgment, except as herein otherwise provided.

Proceedings  
in cases of  
appeal to  
circuit court.

SEC. 23. Before any affidavit for appeal, or writ or certiorari, shall be served on any one of said justices, in addition to the fees allowed by law for making returns to an appeal or certiorari, the entry fee for filing the same in the circuit court shall be paid to the said clerk by the appellant, or plaintiff in error, and the said clerk shall as early as possible file a return to such appeal or writ of certiorari, in the office of the clerk of the circuit court for Wayne county, and shall pay over to him the fees so advanced as aforesaid, and if said return is not filed with the clerk of the circuit court within ten days after the appeal costs or costs on certiorari shall have been paid, a writ of mandamus may issue to the clerk of the justices' courts, compelling him to make such return forthwith, and he shall be personally liable for the costs if any shall be awarded in such proceeding.

Entry fees,  
etc., how  
used.

SEC. 24. The money paid to the said clerk of the justices' courts upon commencement of suit, for trial fees, jury fees, and fees for making returns to appeal or writ of certiorari and entry fee for filing same, shall be for the use of the county, and shall be held to be in full for all fees in civil actions from the commencement thereof to and including the issuing of execution therein. The sum or sums so paid, including the jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit, in addition to any other costs to which he may be entitled by law. In criminal cases the same costs shall be paid, and in the same manner as in proceedings before justices of the peace in townships, except that the same shall be paid to the said clerk as in civil cases is provided.

Party may  
make deposit  
in lieu of  
bonds.

SEC. 25. In all cases when a party is required or allowed by law to give a bond, as a condition of commencing or prosecuting any suit, action or proceeding in said justices' courts, such party may execute and file such bond, or he may in the discretion of the court deposit with the clerk thereof the amount of the bond required in legal tender funds of the United States. And in garnishment proceedings, the principal defendant may have any money or effects released which have been garnished, by filing with the justice before whom the case is pending a surety company bond, approved by said justice, in double the amount of the plaintiff's claim stated in his affidavit, and not less than fifty dollars, or deposit with the clerk of the court an amount equal to such a bond, which money shall remain with said clerk until disposed of by the court according to law. A certificate of such deposit, setting forth the case in which, the amount thereof, the person by whom, the purpose for which, and the time when deposited, shall be given to the party depositing the same by the clerk of said court. Upon the final disposi-

How defend-  
ant in garni-  
shee cases  
may have  
effects  
released.

tion of the case, action or proceeding in which such deposit was made, in case the party making such deposit shall be adjudged liable to pay the costs of such suit or proceedings, or to pay any other sum to secure the payment of which said deposit was made, then such fund so deposited shall under the direction of the court be applied in payment and satisfaction of the same. Should any surplus remain after satisfying such order of the court, the same shall be returned to the party depositing the same.

SEC. 26. The justices of the peace mentioned herein shall have the power to make and adopt such rules of practice in <sup>Justices may adopt rules of practice.</sup> said justices' courts as to them may be deemed advisable for the purpose of facilitating the business of said courts.

SEC. 27. In case a vacancy shall at any time occur in the office of the justice of the peace of the city of Detroit, by death, resignation, removal or other cause, it shall be the duty of the common council of the city of Detroit to fill such vacancy by appointment of some suitable person, who shall upon duly qualifying therefor fill such vacancy until the next general election, when a justice of the peace shall be elected to fill the unexpired term of said office. <sup>Vacancies, how filled.</sup>

SEC. 28. None but attorneys at law of four years' standing shall be eligible to be elected or appointed to the office of justice of the peace under the provisions of this act. And no justice of the peace for said city shall during his term of office act as attorney or solicitor in any court in the county of Wayne. <sup>Who eligible to office.</sup>

SEC. 29. Act number four hundred and twenty-six of the <sup>Act repealed.</sup> Local Acts of nineteen hundred and one, being an act entitled "An act to establish and provide justices' courts in the city of Detroit, and to repeal act number four hundred and sixty of the Local Acts of eighteen hundred and ninety-five, entitled 'An act to establish and provide justices' courts in the city of Detroit,' and to repeal act number two hundred and eighty of the local acts of eighteen hundred and eighty-three, entitled 'An act relative to justices' courts in the city of Detroit,' approved April twenty-fifth, eighteen hundred and eighty-three, and all acts amendatory thereof," approved June first, eighteen hundred and ninety-five, and all acts amendatory thereof, approved May thirteenth, nineteen hundred and one, and all other acts or parts of acts contravening the provisions of this act, shall be and the same are hereby repealed.

This act is ordered to take immediate effect.

Approved May 20, 1903.

## [No. 476.]

AN ACT to authorize the township board of the township of Posen, Presque Isle county, to borrow money to pay its outstanding indebtedness and to issue bonds for the payment of the same.

*The People of the State of Michigan enact:*

**Bond issue by township.**

SECTION 1. The township board of the township of Posen in Presque Isle county is hereby authorized and empowered to borrow a sum of money not exceeding three thousand dollars on the faith and credit of said township and to issue its bonds therefor payable at a time or times not exceeding six years from the date thereof and at a rate of interest not exceeding six per cent per annum, which money shall be expended for the purpose of paying the indebtedness of said township of Posen upon certain judgments rendered against the township of Rogers on certain bridge bonds when the said township of Posen was in part incorporated in the said township of Rogers and for no other purpose.

**Tax for interest on.**

SEC. 2. It shall be the duty of the township board of said township to provide by tax for the payment of the interest on the bonds so issued as the same shall accrue each year, which tax shall be certified, levied and collected in the same manner as other township taxes.

**Payment for, how provided.**

SEC. 3. It shall be the duty of the township board of said township of Posen to provide for the payment of said bonds at the time or times when the same shall become due and payable by the levying of a tax for that purpose upon the taxable property of said township; the moneys collected on such levy shall constitute a separate fund and shall be applied to the payment of said bonds and to no other purpose.

**Interest, when payable.**

SEC. 4. The interest on said bonds shall be payable annually on the first of May in each year.

**Right to issue, when to terminate.**

SEC. 5. The right to issue bonds under the provisions of this act shall terminate on the first day of January, nineteen hundred four.

**Amount limited.**

SEC. 6. The aggregate amount of the bonds issued by such township board shall be strictly limited to the amount owing by said township of Posen upon such judgment, indebtedness as the same has been awarded to said township and the accrued interest thereon at the time of such issue.

**Denomination.**

SEC. 7. Such bonds shall be issued in denominations of one hundred dollars each and not more than five of such bonds shall mature in any one year nor shall any of them mature before May first, nineteen hundred four.

**Question to be submitted to electors.**

SEC. 8. No such bonds shall be issued unless a majority of the tax paying electors of said township voting at a township meeting, a general election or a special election duly called at a time to be fixed by said township board which election shall be held at the same place as the last preceding township election was held and conducted in the same manner herein-

after provided, shall so determine and the said township board is hereby authorized and empowered to submit the question of said bonding to the qualified voting taxpayers of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in writing or printed notices to be posted in five public places in said township at least twenty days before the time fixed by the said board of such election, which notice shall state the amount of money proposed to be raised by such bonding and the purpose to which it shall be applied.

SEC. 9. The vote on such proposition shall be by a printed ballot and shall be in the following words:

Form of ballot.

"For the issuing of township bonds for the payment of indebtedness—Yes. [ ]"

"For the issuing of township bonds for the payment of indebtedness—No. [ ]"

The election shall be conducted and the votes canvassed in all respects as in other township elections, and immediately upon the conclusion of such canvass the inspectors of election shall make and sign the certificate showing the whole number of votes cast upon such proposition and upon each of them and the number for and against each of said proposition respectively. And said inspectors shall endorse upon such certificate a declaration in writing of the result of such election which certificate and declaration shall then be filed with the clerk of said township and a copy of said certificate and declaration certified to by said township clerk shall be filed by him with the county clerk of the county in which such township is located.

Election, how conducted.

SEC. 10. If such loan be authorized by a majority of the tax paying electors voting at such election said bonds may be issued as provided in section one of this act. Said bonds shall be signed by the township board, countersigned by the treasurer and negotiated by and under the direction of said board, and the moneys arising therefrom shall be used for the purpose of paying the indebtedness mentioned in section one of this act.

When bonds may be issued, etc.

This act is ordered to take immediate effect.

Approved May 20, 1903.

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[No. 477.]

AN ACT to amend section fifteen of an act entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the Local Acts of eighteen hundred and seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of

the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne;" approved May twenty-one, eighteen hundred and seventy-nine, as amended.

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section fifteen of an act, entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the Local Acts of eighteen hundred and seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne,'" approved May twenty-one, eighteen hundred and seventy-nine, as amended, is hereby amended so as to read as follows:

When commissioner may make map.

SEC. 15. If at any time it shall appear that the lines of said boulevard, authorized by said act approved May twenty-one, eighteen hundred and seventy-nine, have not been legally laid out, or established as provided by said act, the commissioner may make and certify a map or plat showing the lines or location of said boulevard, and cause the same to be recorded in the office of the register of deeds for said county. The commissioner may receive conveyances granting to the city of Detroit lands for said parks, public grounds or boulevards, and with the approval of the common council, may agree with any person having an interest in any such lands for the purchase and conveyance to said city of the same. And with the consent of said common council may acquire by purchase or by legal proceedings in the manner hereinafter provided any lands or interest in land which may be found necessary for the opening of any park and enlargement or extension of any park or boulevard which may hereafter be laid out, located or established; and may, whenever the common council shall so determine, take charge of and convert into a boulevard any portion, or all of the street known as Lafayette avenue as it is now laid out or as it may be opened at any future time. And upon such acquisitions being made, to cause the proper conveyances to be made and recorded, and the purchase price thereof, as well as for any compensation to be paid for any lands which may be taken or condemned by proceedings taken therefor, as hereinafter provided, may be paid from the contingent fund of said city, or may be raised, if the common council shall so determine, by issue of bonds, to be known as park and boulevard bonds, and which shall be signed, numbered, recorded, sold and issued in like manner as Detroit sewer bonds are by the city charter required and authorized to be made and issued. And the moneys so paid or raised shall be exclusive of the amounts raised for maintenance and improvement as hereinbefore provided: Provided, however, That no expenditures for the purchase of any such lands or interest for park or boulevard

May receive certain lands.

May convert certain street into boulevard.

When bonds may be issued.

purposes shall be made, nor shall there be issued any bonds or other obligations of any kind for or on behalf of the city of Detroit for such purposes, until the same shall have been approved by the board of estimates of the city of Detroit.

This act is ordered to take immediate effect.

Approved May 20, 1903.

[No. 478.]

AN ACT to amend section one of chapter four; to amend subdivisions eleven and fifty-two of section seven of chapter ten, and to add one subdivision to section seven to stand as subdivision sixty eight; to amend sections one and four of chapter twelve; to amend section one of chapter nineteen; to amend sections one and three of chapter thirty-eight; to amend section three of chapter forty of act number four hundred thirty of Local Acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," approved June one, eighteen hundred ninety-nine, as amended by act number four hundred fifty-two of the Local Acts of nineteen hundred one, approved May twenty-eighth, nineteen hundred one.

*The People of the State of Michigan enact:*

SECTION 1. Act number four hundred thirty of the Local Act amended. Acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," approved June first, eighteen hundred ninety-nine, as amended by act number four hundred fifty-two of the local acts of nineteen hundred one, approved May twenty-eighth, nineteen hundred one, is hereby amended by amending section one of chapter four; by amending subdivisions eleventh and fifty-second of section seven of chapter ten, and adding one subdivision to said section seven to stand as subdivision sixty-eight; by amending sections one and four of chapter twelve; by amending section one of chapter nineteen; by amending sections one, two and three of chapter thirty-eight; by amending section three of chapter forty, so that said added sections and said amended sections of said chapters shall read as follows:

#### CHAPTER IV.

SECTION 1. The aldermen of the city shall compose the board Board of registration, how composed, when to meet, etc. of registration. All meetings of the board of registration of the several wards for the purpose of registration shall be held hereafter in the council chamber of said city. Said board of registration shall meet on Friday and Saturday next preceding

each election, and shall continue in session from eight o'clock a. m. to nine o'clock p. m. of each day; and the chairman of the board of registration, or in his absence the board of registration shall fill any vacancy by the appointment of any elector of the ward or voting precinct.

## CHAPTER X.

Powers and  
duties of  
council.

SEC. 7. The common council, in addition to the powers and duties especially conferred on them in this act, shall have the management and control of the finances, rights and interests, buildings and grounds, and all property, real and personal, belonging to the city, and may make such ordinances and by-laws relating to the same as they shall deem necessary and proper; and further, they shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they deem desirable within said city, for the following purposes:

Ordinances  
may enact.

First, To prevent vice and immorality; to preserve the public peace and good order; to regulate the police of the city; to prohibit, prevent and quell riots, disturbances, disorderly noises or assemblages in the street, or elsewhere in said city;

Relative to  
public peace,  
etc.

Second, To prohibit, prevent and restrain disorderly and gaming houses, to destroy all instruments and devices used for gaming and to prohibit all gaming and fraudulent devices, and regulate and restrain billiard and pool tables and bowling alleys;

Gambling.

Third, To prohibit, restrain or prevent persons from gaming for money or other valuable things with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever, in any grocery, store, shop or in any other place in said city; to punish the persons keeping the buildings, place, instruments, devices, or means for such gaming, and to provide for the destruction of the same;

Lotteries.

Fourth, To prohibit, prevent and suppress all lotteries for drawing or disposing of money, property or valuable things whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof;

Selling of  
liquors.

Fifth, To forbid and prevent the vending or other disposition of liquor and intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drank any intoxicating liquors to any minor or drunkard;

Nuisances.

Sixth, To prohibit, prevent, abate or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the occupant or owner of any grocery, provision store, tallow chandler shop, butcher stall, soap factory, tannery, stable, privy, hog pen, sewer or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of said city;

Seventh, To direct the location of all slaughter houses, markets and buildings for storing gun powder or other combustible or explosive substances; also to make regulations concerning the buying, caring, selling, keeping and using gun powder, fire crackers or fire works, manufactured or prepared therefrom, or other combustible, explosive or dangerous articles, and the exhibition of fire works, and the discharge of cannon or firearms, and the use and kind of lights or lamps to be used in barns, stables, and all buildings, cellars and establishments usually regarded as extra hazardous in respect to fire, and to regulate, restrain or prevent the making of bon-fires in streets, lanes, alleys, yards or public places;

Eighth, To prevent the cumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges or aqueducts in any manner whatever, and to remove any obstructions therefrom; to regulate or prevent the exhibition of signs on canvas or otherwise, in or upon any vehicle, standing or traveling upon the streets of said city, or held or carried by any person; to control, prescribe or regulate the mode of constructing or suspending awnings, and the exhibition and suspension of signs; to control, prescribe and regulate the manner in which the streets, lanes, avenues, alleys, public grounds and spaces within said city shall be used, and to establish the grades thereof, and to provide for the preservation of, and the prevention of wilful injury, the gutters in said streets, alleys, lanes and avenues; to direct and regulate the planting, and to provide for the protection and preservation of ornamental trees therein;

Ninth, To require any horse, horses, mules or other animal attached to any vehicle or standing in any of the streets, lanes, alleys or public grounds or places in said city, to be securely fastened, held or watched; and to prohibit the hitching or standing of horses, mules or other animals whether attached to vehicles or not, in such streets and public places as the common council may prescribe; and to prevent and punish horse racing and immoderate driving or riding in any street, lane or alley, and to authorize the stopping and detaining of any person who shall be guilty of any immoderate riding or driving in any street, lane or alley;

Tenth, To determine and designate the route and grade of any railroad to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines and cars upon the railroads within said city, and to compel the railroad companies, their officers, agents, managers and employes to station flagmen at street crossings, and to prescribe the length of time that engines or cars may stand on said streets or otherwise obstruct them, or to prohibit the same, and to make such other rules or regulations concerning the same as to secure the safety of the citizens or other persons;

Eleventh. To restrain and punish drunkards, vagrants, mendicants, and street beggars soliciting alms or subscriptions for any purpose whatever; and to restrain and punish any person from knowingly purchasing or obtaining any spirituous, malt, brewed, fermented or vinous liquors, or any beverage, liquor or

Slaughter  
houses,  
explosives.

Obstructions  
in streets.

Hitching of  
horses, racing,  
etc.

Railroads.

Vagrants,  
drunkards,  
etc.

liquids containing any spirituous, malt, brewed, fermented or vinous liquors, at any drug store, saloon, hotel, tavern or other place where spirituous, malt, brewed, fermented or vinous liquors or any beverage, liquor or liquid containing spirituous, malt, brewed, fermented or vinous liquors or liquids are sold or kept for sale, when the proprietor, clerk or agent of said drug store, saloon, hotel, tavern or other place where such liquors are sold or kept for sale has been forbidden, in writing, by the husband, wife, parent, child, guardian or employer of such person, or the supervisor of the city, mayor or director of the poor, superintendent of the poor of the county where such person shall reside or temporarily remain, or by the chief of police, or any policeman or patrolman of the city of Battle Creek, to furnish such person any spirituous, malt, brewed, fermented or vinous liquors or liquids, or any beverage containing any spirituous, malt, brewed, fermented or vinous liquors or liquids;

**Public waters.** Twelfth, To regulate or prohibit bathing in any public water, to provide for clearing of rivers, ponds, and streams in said city, and the races and canals connected therewith, of all driftwood and noxious matter, and to prohibit and prevent the depositing therein of any fifth or other matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such times and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive;

**Pounds.** Thirteenth, To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;

**Dogs.** Fourteenth, To prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize their being killed when running at large in violation of any ordinance of the common council, and to prohibit any person from placing, exposing or administering any poison to any dog or other animal not his own, and to punish such person for so doing;

**Offensive substances.** Fifteenth, To prohibit any person from bringing into or depositing in said city any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction of same; and if any person shall have on his premises such substances or any putrid meats, fish, hides, or skins of any kind, and shall neglect or refuse to authorize the removal or destruction of the same, the same may be done by some officer of the city.

**Cleaning of sidewalks.** Sixteenth, To compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions;

**Disturbing noises.** Seventeenth, To prevent or regulate the ringing of bells, and the crying of goods and other commodities, or other disturbing noise on the streets, lanes, or alleys or in any public place, or on or in private property adjacent thereto;

**Eighteenth**, To prescribe the powers and duties of the police-  
men and watchmen, and to impose fines and penalties for their <sup>Duties of  
police.</sup> delinquencies, and to require them to be uniform and to fix their compensation;

**Nineteenth**, To regulate and establish the line upon which <sup>Building lines.</sup> buildings may be erected, upon any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such lines, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars;

**Twentieth**, To regulate all graveyards in the city and burial <sup>Cemeteries.</sup> of the dead;

**Twenty-first**. To regulate the markets, the vending of hay, <sup>Markets.</sup> wood, meats, vegetables, fruit, fish, grain and provisions of all kinds, and of other goods or property in the streets, lanes, alleys or public places in said city, and to prescribe the places for selling the same;

**Twenty-second**, To establish, regulate and preserve public <sup>Water works.</sup> reservoirs, wells and pumps, and to prevent the waste of water; and also to construct reservoirs and wells and to provide water-works for the extinguishment of fires and for other purposes;

**Twenty-third**, To prescribe rules to govern and to license <sup>Licensing of  
draymen, etc.</sup> cartment and their carts, draymen and their drays, hackney carriages and their drivers, scavengers, porters and chimney sweeps, and bill posters and their fees and compensation and the fees to be paid by them into the city treasury for license; to prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, drays and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, produce and other property exposed for sale in said city;

**Twenty-fourth**, To regulate the soliciting of guests for hotels <sup>Soliciting of  
guests.</sup> or other places and passengers and others to ride upon any railroad, boat, street car, omnibus or stage.

**Twenty-fifth**, To regulate the lighting of streets, alleys and <sup>Lighting.</sup> public places and the protection and safety of the public lamps, and to employ a suitable person to superintend the same, to prescribe his duties and to fix his compensation therefor;

**Twenty-sixth**, To license and regulate, or restrain, or prevent <sup>Peddling.</sup> hawking and peddling in the streets, lanes, alleys and public places, and to regulate pawnbrokers;

**Twenty-seventh**, To prescribe the duties of all officers appointed by the mayor and their compensation, and the penalty <sup>Duties of  
appointed  
officers.</sup> or penalties for failure to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city, for the discharging of their duties, and the time for executing the same in cases not herein or otherwise provided for by law;

**Twenty-eighth**, To fill up, level or drain any lot or premises, whenever the common council shall deem it necessary to abate, prevent or remove any nuisance, and to assess the cost and expenses thereof on the said lot or premises or on the district to be benefited thereby, in the same manner as other special assessments may be made, enforced and collected; <sup>Drains, etc.</sup>

Fees of certain officers. Twenty-ninth, To fix and regulate the fees of sheriffs, constables, jurors and witnesses in any proceeding under this act, or under any ordinance of the common council, in cases not herein or otherwise fixed or regulated by law;

Parks. Thirtieth, To provide for public parks and squares, either within or without said city, and to take and hold real estate both within and without the limits of said city, for that purpose, and to make, grade, improve and adorn the same, and all grounds belonging to or under the control of said city, and to control and regulate the same consistently with the purposes and objects thereof;

Disposal of street cleanings. Thirty-first, To sell or otherwise provide for the disposing of all dirt, filth, manure, cleanings, lying in or gathered from streets, avenues, lanes, alleys and public spaces and grounds of said city, in grading, paving or otherwise improving the same;

Certain posts, poles, etc. Thirty-second, To provide for and regulate the lighting of public lamps, and the erection of lamps and lamp posts and suitable hitching posts; to regulate the erection and maintenance within the streets of said city of poles and wires for telegraph, telephone, electric light and other purposes;

Hack stands, etc. Thirty-third, To preserve quiet and order in the streets and other public places in said city, at the arrival and departure of railroad trains, and to prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors, for hotels or public houses or places of public resort, or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs or other vehicles, shall stand, and to prohibit or prevent them from entering or driving within any railroad depot to solicit passengers or baggage;

Obscene exhibitions. Thirty-fourth, To prohibit and prevent in the streets and elsewhere in said city any lewd and lascivious behavior or indecent exposure of person, the show, sale or exhibition for sale of any indecent or obscene pictures, drawings, engravings, paintings, books or devices, or any written or printed paper or other thing containing obscene, opprobrious, scurrilous, scandalous, libelous or defamatory matter and all indecent or obscene exhibitions and shows of any kind;

Water works. Thirty-fifth, When and as warranted in so doing by the votes of the electors, as provided by the law, to establish and provide for the continuation, keeping up, and in perfect operation, a good and efficient system of water-works to supply the city and its inhabitants with wholesome water from such source as selected, whether situated within or without the city limits;

Bridges, drains, etc. Thirty-sixth, To establish, construct, maintain, repair, enlarge and discontinue within the streets, avenues, lanes, alleys and public places of said city, such bridges, culverts, sewers, drains and lateral drains and sewers as the common council may see fit with a view to the proper drainage and sewerage of said city; to compel the owners or occupants of all occupied lots, premises and subdivisions thereof within said city to construct private drains and sewers therefrom, to connect with

some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions and under such regulations as shall be prescribed;

Thirty-seventh, To survey and establish the boundaries of the city, and all streets, avenues, lanes, alleys, public parks, grounds, squares and spaces in said city, to prevent and remove all incumbrances and encroachments upon the same by buildings, fences or in any other manner, and to number the buildings, and to assess and collect the expense of such numbering to the owner or occupant; Boundaries of streets, etc.

Thirty-eighth, To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress the causes of diseases generally, and if deemed necessary to establish a board of health, and prescribe and regulate its powers and duties; Public health.

Thirty-ninth, To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries; to restrain, suppress, and punish the keepers thereof and the persons found therein; to punish and restrain common prostitutes, vagrants, and drunken and disorderly persons; to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the management, use and practice thereof; Houses of ill fame.

Fortieth, To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food and provisions, and to punish all persons who shall knowingly sell the same or offer or keep the same for sale; Sale of meats, etc.

Forty-first, To prevent the violation of the Sabbath, and the disturbance of any religious congregation or any other public meeting assembled for any lawful purpose; Sabbath.

Forty-second, To secure said city and its inhabitants against injuries by fire, thieves, robbers, burglars and other persons violating the public peace; Fires, thieves, etc.

Forty-third, To direct and regulate the construction of cellars, slips, barns, private drains, private sewer pipes and fixtures, and cesspools, sinks and privies; to compel the owner or occupant to fill up, remove, drain, cleanse, alter, relay or repair the same; Private drains, etc.

Forty-fourth, To prohibit and prevent within certain limits or districts in said city, to be determined by the common council, the location and construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene and dangerous or explosive substances, slaughterhouses and yards, butchering shops, soap, candle, starch and glue factories, establishments Explosives.

**Factories,  
etc.**

for steaming or rendering lard, tallow, offal and such other substances as can be rendered in tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops and establishments as aforesaid now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings or establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make with a view to the protection from injury by fire or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

**Building lines.**

Forty-fifth. To prescribe, from time to time, limits or districts within said city, within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing and repairing buildings within such limits or districts and the material of which the outer walls and roofs shall be constructed and repaired with respect to protection against fire; to prohibit and prevent the removal of wooden or frame buildings from any place without or within such limit to any lot or place within such limits or districts;

**Location of  
certain  
trades.**

Forty-sixth. To regulate or prohibit within such limit or districts the location of shops, the prosecution of any trade or business, the keeping of lumber yards, the erection of gas works, and the storing of lumber, wood or other easily inflammable material in other places, when in the opinion of the common council, the danger from fire is increased; and every building or structure which may be erected, placed or enlarged or kept, in violation of any orders or regulation of the common council made for the prevention of fire, is hereby declared to be a nuisance and may be abated or removed by direction of the common council;

**Fences, walls,  
etc.**

Forty-seventh. To regulate the construction of division or partition fences, and of partition and parapet walls, the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire places, fire arches, ovens and the putting up of stoves, stovepipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and to fix the fees therefor; to compel and regulate the construction of ashhouses, or depositaries for ashes; to compel the owners of houses and other buildings to have scuttles in the roofs thereof, and steps or ladders leading to the same; to authorize and empower the proper officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition and to punish any person for neglecting or refusing so to do; to authorize any of the officers of the city to keep all idle or suspicious persons away from the vicinity of fires, and to compel all officers of the city and other persons to aid in

**Inspection of  
buildings.**

the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Forty-eighth, To establish, regulate and maintain a fire department and to provide for the prevention and extinguishment of fires; to establish, organize, regulate and maintain all such fire engines, hook and ladder and hose and bucket companies as may be deemed necessary; to provide such companies with necessary and proper buildings, engines, and other implements and things necessary to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of men willing to accept, as may be deemed necessary and proper to be employed as firemen, and such fire, hose and hook and ladder companies shall each have the power to elect their own officers, except chief and assistant chief engineer, and to pass by-laws for the organization and government of the respective companies: Provided, however, That the common council may also adopt rules for the organization and government of said companies, which shall take precedence over the by-laws of said companies. The common council shall appoint a chief and assistant chief engineer. Every person belonging to any of said companies may obtain from the recorder a certificate of such membership, which shall be evidence thereof; and the member of such company, during the continuance of such, shall be exempt from all duty in the militia in time of peace, and also from serving on any jury in any of the courts in this State, or payment of poll tax; and it shall be the duty of each of said companies to take reasonable care of the fire engines, hose carts, hose, ladders, buckets and other instruments and things used by said companies respectively, and in no case by wrongful act or neglect doing or permitting injury thereto; and upon any alarm or breaking out of any fire within said city, each company shall forthwith assemble at the place of said fire with the engine or other implements of each of said companies, and be subject to the orders of the chief engineer of the fire department;

Forty-ninth, To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, boat, private house, railroad or other place. also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Fiftieth, To license and regulate auctioneers, hawkers, peddlers and pawnbrokers, and to regulate auctions, hawking, peddling and pawnbrokerage;

Fifty-first, To prohibit and prevent, or license and regulate, the public exhibition by persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind; and to license and to regulate halls, opera houses, rinks and other places of public amusements;

Fire department.

Proviso.

Licensing of drays, etc.

Certain exhibtions.

**Hotels, etc.**      **Fifty-second,** To regulate the keeping of hotels, taverns and other public houses, groceries, ordinaries, saloons, and victualing and other houses or places of furnishing meals, food or drink; to regulate and prescribe the limits within the city of Battle Creek where malt, vinous and spirituous liquors shall be sold or dispensed, as a beverage: Provided, That such liquors shall be sold and dispensed as beverages, only within the following limits of said city: Commencing at the intersection of Division street north and the right of way of the Michigan Central railway, and running thence westerly along said right of way to Tompkins street; thence southerly on Tompkins street to Main street; thence easterly on Main street to the center of the Battle Creek river; thence southwesterly along the center of said river and of the Kalamazoo river to Barney street; thence southerly on Barney street to Hamlin avenue; thence easterly on Hamlin avenue to Carlyle street; thence southerly on Carlyle street to the right of way of the Detroit, Toledo and Milwaukee railway; thence easterly on said right of way to Fountain street; thence easterly on said Fountain street to Division street south; thence northerly on said Division street south and along Division street north to the place of beginning: Also provided further, That said common council may, at any time, enlarge said limits by ordinance; to regulate butchers; to license, regulate or suppress hucksters; to regulate the keepers of shops, stalls, booths, or stands at markets or any other place in said city, for the sale of any kind of meats, fish, poultry, vegetables, food or provisions; to regulate the measuring of wood, weighing of hay and gauging of articles to be measured, inspected, weighted and gauged;

**Further proviso.**

**Census.**      **Fifty-third,** To provide for taking a census of the inhabitants of the city whenever the common council may see fit, and to direct and regulate the same;

**Prisons.**      **Fifty-fourth,** To provide for the imprisonment and confinement in prisons, workhouses and houses of correction, or in the common jail of Calhoun county, at hard labor or otherwise, all persons liable to be imprisoned under this act or any ordinance of the common council, whenever convicted of any violation thereof, by any court having jurisdiction of the same;

**Punishment for violation of ordinances.**      **Fifty-fifth,** To provide for the punishment of all offenders for violation of, or offenses against, this act or any ordinance of the common council enacted under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines, penalties, forfeitures and costs, or by imprisonment in the common jail of Calhoun county, or any prison, workhouse, or house of correction in said city, or the State House of Correction at Ionia, in the discretion of the court or magistrate before whom a conviction may be had. If only a fine, penalty, or forfeiture, with the costs be imposed, the offender may be sentenced to be imprisoned until the payment thereof for a term not exceeding six months. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinances, creating or specifying the offense to be punished, and no penalty, fine or forfeiture so prescribed

shall exceed five hundred dollars, and no imprisonment shall exceed the period of six months;

Fifty-sixth, To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of Calhoun county, or in any prison, workhouse, or house of correction of said city at work or labor, either within or without the same, or upon the streets, lanes, alleys or public grounds of said city, or on any public work under the control of the common council; to allow any person so confined for the non-payment of any fine, penalty, forfeiture or cost, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;

Fifty-seventh, To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and by what officer they shall be issued and revoked, and to prescribe the amount of money to be paid therefor to the city treasurer, but no license shall be granted for more than one year;

Fifty-eighth, To provide for printing and publishing all matter required to be printed and published under this act or by order of the common council, in such manner as the common council may prescribe;

Fifty-ninth, The common council shall have power by the vote of two-thirds of all the aldermen elect, to purchase, hold or sell real estate for the use of said city, for corporate, park or cemetery purposes, either within or without the corporate limits of said city, and to have and exercise the same power and control over the same as though the same were within the limits of said city;

Sixtieth, To erect and provide for the erection of all needed buildings and offices for the use of the city or its officers, and to control and regulate the same; to establish and build prisons, workhouses and houses of correction for the confinement of offenders, and to control and regulate the same;

Sixty-first, To prohibit all practices, amusements and doings in said streets, lanes, alleys, public places, parks and grounds, having a tendency to frighten teams and horses or dangerous to life, limb or property; to remove or cause to be removed therefrom all walls and structures that may be liable to fall so as to endanger life, limb or property;

Sixty-second, To prohibit, restrain or regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fee to be paid by auctioneers;

Sixty-third, To compel all railroad and railway and street car lines within said city to construct and maintain all proper and necessary drains, culverts and sewers upon and across their right of way, tracks and grounds, and to compel them to pay for the same:

*Employment  
of prisoners.*

*Issuing, etc.,  
of licenses.*

*Purchase,  
etc., of real  
estate.*

*May prohibit  
certain  
amusements.*

*Remove walls,  
etc.*

*Auctions.*

*Maintaining of  
drains by  
railroads.*

Burning of coal, etc.	Sixty-fourth, To regulate the burning of coal, petroleum, and other kinds of fuel within the limits of said city, in such manner by means of smoke consumers or otherwise, as to prevent the smoke therefrom becoming a nuisance or offensive to the inhabitants of said city;
Minors.	Sixty-fifth, To prohibit children and minors from being abroad at night, except by permission of their parents or guardians;
Cigarettes.	Sixty-sixth, To prohibit the sale of cigarettes and tobacco to minors without the permission of their parents or guardians;
Keeping of minors out of saloons, etc.	Sixty-seventh, To prohibit and prevent minors from frequenting or remaining in or about any saloon or other place where spirituous and intoxicating liquors are sold, or in any billiard room, bowling alley, or other place where games of skill or chance, or partly of skill and partly of chance are being played or in any place where any form of gaming is carried on;
Weights.	Sixty-eighth, To provide by ordinance for the proper weighing of all coal, hay or other commodities offered for sale within the limits of said city, and to provide that the seller shall furnish the buyer with a written statement showing the true and correct weight of the coal, hay or other commodity sold and to provide punishment for failure to comply therewith.

## CHAPTER XII.

Board of public works, how constituted.	SECTION 1. There shall be a board of public works in said city. Said board shall consist of the mayor of said city and five freeholders of said city, who are electors therein, who shall be appointed by the mayor, subject to the approval of a majority of all the aldermen elect: Provided, That not more than three of said appointees shall belong to the same political party. The full term of a member except the mayor, shall be five years, but the members shall be subject to classification in such manner that one term shall expire in each year. Appointments for full term shall be made on the third Monday in April, in each year, or as soon after such day as may be. Members shall hold over and execute the duties of the office until appointees to succeed them qualify and are ready to enter upon their duties.
Proviso.	SEC. 4. The members of said board shall, at the first regular meeting in May of each year, or as soon thereafter as may be, elect by ballot from their number a president and secretary. The board shall keep an office in the city with such furnishings as shall be necessary, and business shall be conducted upon the joint consultation of not less than three members attending in a session. Written minutes of the board shall be kept and all resolutions, orders, rules and directions passed and adopted by the board shall be correctly entered at length and preserved in books of record, and the same shall be opened to the inspection of the mayor, aldermen, city attorney, recorder and treasurer. The proceedings of said board shall be published within five days after each meeting in at least one
Term of office.	
To elect officers.	
To keep records.	

newspaper published and circulated in said city. All papers and documents of importance relating to the duties or business of the board and not belonging elsewhere shall be filed and preserved in the office of the board. The board may appoint and employ such agents, experts, engineers, mechanics, clerks, workmen and laborers as it shall find necessary for the due discharge of its duties, and define their duties and fix their compensation to be paid by the city. All contracts made pursuant to law by the board shall be obligations of the city.

*May appoint  
employees.*

## CHAPTER XIX.

SECTION 1. The common council shall have power in their discretion, to construct and reconstruct, and cause to be constructed and reconstructed and repaired, all sidewalks and crosswalks, and to establish the grade and width thereof, and to prescribe the material of which the same may be constructed, reconstructed or repaired, and the time when and the method of paying for the same. Whenever the common council, by the concurring vote of two-thirds of all the aldermen elect, shall by proper resolution, order any of said improvements to be made, and the expense thereof to be assessed upon the owners of property abutting upon and adjoining said sidewalk so intended to be constructed, reconstructed or repaired, they shall by proper resolution describe, designate plainly and clearly the district in which any such sidewalk is to be constructed, and each parcel of real estate upon which an assessment is to be made, which assessment shall be according and in proportion to the benefits of such sidewalks, reconstruction or repairs to such property so abutting upon and adjoining the same. The common council shall further, by resolution, direct the city engineer or other proper officer to make and file with the recorder an estimate of the costs and expenses of such walk or repairs, and also specifications for the same. The material of which the same shall be constructed, reconstructed or repaired, and of the length, width and other particulars thereof, which estimates shall be filed with the recorder and approved by the common council.

*When council  
may construct  
sidewalks.*

*When ex-  
pense as-  
sessed against  
property.*

## CHAPTER XXXVIII.

SECTION 1. No franchise shall hereafter be granted for a longer term than twenty years, and the right of the city to acquire such franchise, together with all the rights, privileges and property, both real and personal, owned or controlled and used in connection with the business to permit the prosecution of which said franchise was granted, at the termination of said term, and the method of determining the value thereof, shall in all cases be included in said franchise: Provided, That it shall not be obligatory upon the common council to provide in any franchise for the right to acquire the same together

*Term for  
which fran-  
chise may be  
granted.*

*Proviso.*

with the rights, privileges and property used in connection therewith when said franchise is granted for the purpose of permitting the building and operating within the city of Battle Creek of any railway, electric light, telephone or power line having its greatest mileage outside of said city.

**When granted.** SEC. 2. No ordinance granting or amending any franchise shall be passed and adopted until the second regular meeting of the common council following the regular meeting at which said ordinance was introduced.

**Two-thirds vote needed.** SEC. 3. And no such ordinance granting or amending any such franchise shall be passed and adopted without the concurring vote of two-thirds of the aldermen elect.

## CHAPTER XL.

**Who to appoint chief of police, etc.** SEC. 3. Said board shall appoint a chief of police and other officers, and such number of policemen with pay, as the common council may provide the payment of, and such number of watchmen without pay, as said board shall deem expedient. The chief of police and other officers and policemen with pay shall be divided as nearly as may be, into three divisions, the members of one division of which shall be appointed for one year and of the second division for two years and of the third division for three years from the first Monday in May A. D. nineteen hundred, and appointments thereafter shall be made for three years. In time of special emergencies or apprehended danger from riot, or other cause of alarm, said board may appoint as many patrolmen, with or without compensation, as they may deem expedient. They shall also appoint a keeper of the city prison. No person shall be appointed to any position by said board who is not a citizen of the United States and who has not resided in said city at least one year next preceding such appointment.

This act is ordered to take immediate effect.

Approved May 20, 1903.

[No. 479.]

AN ACT to authorize and empower the city of South Haven in the county of Van Buren, and State of Michigan, to raise or borrow money and issue bonds therefor, not to exceed fifty thousand dollars, with which to purchase a site for a park and for the improvement thereof in said city of South Haven.

*The People of the State of Michigan enact:*

**Bond issue by city.** SECTION 1. The city of South Haven, in the county of Van Buren, and State of Michigan, is hereby authorized and empowered to raise or borrow money on the faith and credit of

the said city, and issue bonds therefor to an amount not exceeding fifty thousand dollars, which shall be expended for the purchase of a site for a park, and for the improvement thereof in the said city of South Haven: Provided, The council of said city, by a two-thirds vote, shall first determine so to do: And Further provided further, That two-thirds of the qualified electors of said city, voting on the question of such loan, at an election held in accordance with the provisions of this act, shall vote in favor of the said loan.

SEC. 2. Before any money shall be borrowed, appropriated, raised or expended under and in pursuance of this act for the purchase of a site for a park or for the improvement thereof in said city, the question of raising the amount required for such purpose shall be submitted to the electors of said city, at its next annual election, or at a special election called for that purpose by the council, and shall be determined as two-thirds of the electors, voting at such election by ballot, shall decide: Provided, That if a special election is held it shall be held in all respects as provided for holding special elections, by act number two hundred fifteen of the Public Acts of this State for the year A. D. eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class."

SEC. 3. If such loan shall be authorized by two-thirds of the electors voting at such election, the council of the said city shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this act, and to issue bonds of the city therefor in such sums, not exceeding the amount hereinbefore limited, and at such rates of interest, not exceeding five per cent, as the said council shall by resolution direct; said bonds shall be signed by the mayor and countersigned by the clerk of said city, sealed with the seal thereof, and shall be negotiated under the directions of the common council, but not for less than the face value thereof.

This act is ordered to take immediate effect.

Approved May 20, 1903.

Question to be submitted to electors.

Proviso.

Council to fix time of payment, etc.

Bonds, how signed.

[No. 480.]

**AN ACT** to authorize the city of Lansing to borrow the sum of twenty-five thousand dollars to pay for the construction of a bridge over Grand river on Washington avenue in said city.

*The People of the State of Michigan enact:*

**SECTION 1.** The common council of the city of Lansing, is hereby authorized to borrow a sum of money not exceeding twenty-five thousand dollars, in the name and on the faith and

**How to be paid.**

credit of said city, at a rate of interest not exceeding four and one-half per cent per annum, payable semi-annually, and to provide for the payment of said loan in annual installments of not less than five thousand dollars each year, by the levy and collection of a tax upon the taxable property of said city, said loan to be in addition to the amount now authorized by law; the money so raised by loan to be used in paying the amount due for the construction of the Washington avenue bridge (~~so~~ called) over Grand river in said city: Provided, No such bonds shall be issued by the common council for such purpose unless the amount of such bonds shall have been determined by a majority vote of the tax paying electors of said city, voting thereon at a meeting to be called and by a vote to be had and determined in the manner provided in section six, title twelve, of the charter of said city.

**How used.**

**Proviso as to submitting to electors.**

This act is ordered to take immediate effect.

Approved May 20, 1903.

[No. 481.]

AN ACT to authorize the board of education of Union school district number one of the city of Dowagiac, Michigan, to borrow money and issue bonds in the sum of twelve thousand dollars, to be used in the completion of a school building in the said city of Dowagiac now in process of erection.

*The People of the State of Michigan enact:*

**Bond issue by school district.**

SECTION 1. The board of education of Union school district number one, of the city of Dowagiac, from and after the passage of this act, is authorized and empowered to borrow, on the faith and credit of said district, a sum of money not exceeding twelve thousand dollars, for a term not to exceed ten years from the date of issue, at a rate of interest not exceeding five per cent per annum, payable semi-annually or annually, at such place or places as said board of education may determine, and to execute the bonds of such district therefor in such form as the board of education may determine by a majority vote of all the members of such board elect, and to provide for the payment of the same. The said board is further authorized to negotiate and sell such bonds, from time to time, upon the best terms for said district that may be obtained: Provided, however, That none of such bonds shall be sold upon any terms that will make the rate of interest upon the price annually received for such bonds more than five per cent per annum.

**Proviso.**

**Money, how used.**

SEC. 2. The money borrowed under the provisions of this act shall be applied to the construction and completion of a school building now in process and course of erection in the said district in the said city of Dowagiac, and the furnishing of the same.

**SEC. 3.** It shall be the duty of the said city of Dowagiac, to <sup>City to provide tax for.</sup> provide by a tax upon the taxable property of the said city, or from any fund it may have on hand not otherwise provided for, for the payment of the said sum of twelve thousand dollars and interest upon all bonds issued under the authority of this act: Provided, No bonds shall be issued or money borrowed for the construction or completion of said school building until the question of borrowing such sum of money and the issuing of said bonds therefor shall be submitted to the vote of the electors of said school district qualified under the laws of this State to vote on questions which directly involve the raising of money by a tax for said school district, present at any general or special meeting appointed and called by the board of education for the purpose of voting thereon, and unless said bonds shall be authorized by a vote of a majority of said qualified electors voting at such election, voting therefor. Notice of the time and place and object of any such meeting, shall be given by publishing such notice in any one of the newspapers of said city of Dowagiac and by posting copies thereof in ten public places in said city at least ten days before the meeting.

<sup>Proviso as to  
submitting  
quest'on to  
electors.</sup>

This act is ordered to take immediate effect.

Approved May 21, 1903.

[No. 482.]

**AN ACT** to amend section three of chapter one of act number three hundred ninety of the Local Acts of eighteen hundred eighty-five, and the amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred eighty-five.

*The People of the State of Michigan enact:*

**SECTION 1.** Section three of chapter one of act number three hundred ninety of the Local Acts of eighteen hundred eighty-five, and the amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeen, eighteen hundred eighty-five, is hereby amended to read as follows:

## CHAPTER ONE.

**SEC. 3.** The territorial limits of said city shall consist of all <sup>Boundaries of</sup> ~~city.~~ that tract of country in the county of St. Clair, bounded and described as follows, to wit: Commencing at a point in the national boundary line at St. Clair river where the same would be intersected by the section line projected between sections twenty-one and twenty-eight in town six north, range seventeen east, thence running westerly along said section line to

the east line of the highway known as River Road, thence north along said east line to the north line of the highway between said sections; thence running westerly along the north line of said highway to its intersection with the east line of the highway running northerly along the section line between sections twenty and twenty-one, thence north along said east line of highway to the south line of Goulden street according to Factory Land Company plat number one; thence east along the said south line of Goulden street to the west line of Twenty-eighth street according to said plat, thence south along the west line of said Twenty-eighth street to the south line of Conner street according to said plat, thence easterly along the south line of said Conner street to the west line of Electric avenue, according to said plat, thence north along said west line of Electric avenue to its connection with the west line of Twenty-fourth street, thence north along the west line of Twenty-fourth street to the north line of Moak street, according to said plat, thence west along the north line of Moak street to the east line of said highway known as Thirty-second street and running north between sections twenty and twenty-one, thence north along said east line to the south line of highway known as Dove street and running east along the center line between sections sixteen and twenty-one, thence running east along the south line of said Dove street to the east line of highway known as Twenty-fourth street and running north along the center of sections sixteen and nine, thence north along the east line of said Twenty-fourth street to the north line of Howard street, thence west along the north line of said Howard street extended to a point where the Indian reservation line intersects said highway, thence in a northwesterly direction along said Indian reservation line to the south line of the Bonhomme tract, thence northeasterly along the south line of said Bonhomme tract to the center of Black river, thence up the middle line of Black river to a point where the same would be intersected by the northwest corner of the McNeil tract in the township of Fort Gratiot, thence easterly along the north line of said McNeil tract to a point where the west line of Lakeside cemetery intersects the north line of said tract, thence north along the west boundary of said Lakeside cemetery, said line being the west line of east fractional part of section twenty-seven in town seven north, range seventeen east, to the north line of said section twenty-seven, thence east along the line of said section twenty-seven, and the north line of fractional section twenty-six to the westerly line of the highway known as the Lakeside turnpike or extension of Gratiot avenue, thence northerly along the west line of said last named highway to the north line of section twenty-two, town seven north, range seventeen east, thence east along said north line of said section twenty-two to the national boundary line in Lake Huron, and thence southerly along said national boundary line in Lake Huron and River St. Clair to the place of beginning.

This act is ordered to take immediate effect.

Approved May 21, 1903.

## [No. 483.]

**AN ACT** to provide for the submission to the qualified electors of the city of Big Rapids, the proposition to bond said city for the sum of fifteen thousand dollars to be expended for public improvements.

*The People of the State of Michigan enact:*

SECTION 1. The council of the city of Big Rapids shall by resolution submit to the qualified electors of said city the proposition to bond the city of Big Rapids for the sum of fifteen thousand dollars, the proceeds of which to be expended for public improvements.

Question to be submitted to electors.

SEC. 2. Said proposition may be submitted at any general election or at a special election to be called for that purpose at any time within three years after this act shall take effect.

SEC. 3. Such election shall be held and such proposition shall be submitted to the qualified electors of said city in manner provided by act number two hundred fifteen, of the Public Acts of eighteen hundred ninety-five.

When submitted.

Election, how conducted.

This act is ordered to take immediate effect.

Approved May 21, 1903.

## [No. 484.]

**AN ACT** to authorize the prosecuting attorney of Macomb county, Michigan, to appoint an assistant prosecuting attorney for said county, and prescribing his duties, powers and compensation.

*The People of the State of Michigan enact:*

SECTION 1. The prosecuting attorney of the county of Macomb is hereby authorized and empowered to appoint an assistant prosecuting attorney for Macomb county, and may revoke such appointment at pleasure.

May appoint assistant.

SEC. 2. Such appointment, and the revocation thereof, shall be in writing, under the hand of the prosecuting attorney, and shall be filed in the office of the clerk of said county; the person so appointed before entering upon the duties of such office, shall take the oath prescribed by the constitution of the State, and file the same together with his acceptance, with the county clerk of said county.

Appointment where filed.

Oath and acceptance.

SEC. 3. The said assistant prosecuting attorney shall have full power and authority to appear for and in behalf of the people of the State in all criminal and other matters to the same extent as the prosecuting attorney of said county, when required of him by the prosecuting attorney.

Powers and duties.

**Salary.**

SEC. 4. The said assistant prosecuting attorney shall receive such salary or compensation as the board of supervisors of the county of Macomb shall at any time direct.

This act is ordered to take immediate effect.

Approved May 21, 1903.

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[No. 485.]

AN ACT to amend section thirty-one of title four, and sections nineteen, twenty, twenty-one, thirty, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-nine, forty, forty-one, forty-four, fifty, fifty-eight, fifty-nine and sixty of title five, and section thirty of title eight, of the charter of the city of Grand Rapids, being local act number three hundred seventy-four of the laws of eighteen hundred ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids," as amended May twelfth, eighteen hundred ninety-nine, by local act number four hundred and one, entitled "An act to amend section thirty-one of title four of act number three hundred seventy-four of the Local Acts of the State of Michigan, for the year eighteen hundred ninety-seven, entitled 'An act to revise the charter of the city of Grand Rapids,'" approved March eighteenth, eighteen hundred ninety-seven, so as to provide for the collection of city and special taxes and the keeping a record thereof by the city treasurer of the city of Grand Rapids, and adjusting salaries of city officials.

*The People of the State of Michigan enact:*

**Sections amended.**

SECTION 1. Section thirty-one of title four, and sections nineteen, twenty, twenty-one, thirty, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-nine, forty, forty-one, forty-four, fifty, fifty-eight, fifty-nine and sixty of title five, and section thirty of title eight of the charter of the city of Grand Rapids, being local act number three hundred seventy-four of the laws of eighteen hundred ninety-seven, as amended May twelfth, eighteen hundred ninety-nine, by local act number four hundred one, are hereby amended so as to read as follows:

#### TITLE IV.

**Salaries of officers, how fixed, etc.**

SEC. 31. The common council shall annually determine the salary or compensation to be paid to the several officers of said city within the limitations hereinafter prescribed, and which limitations shall be as follows, to wit: To the city clerk, two thousand five hundred dollars per annum; to the deputy city clerk, one thousand two hundred dollars per annum; to the city treasurer, two thousand five hundred dollars per annum;

to the city marshal one thousand three hundred dollars per annum; to the mayor, one thousand two hundred dollars per annum; to the city comptroller, two thousand dollars per annum; to each of the aldermen, three hundred fifty dollars per annum; to the city attorney, three thousand dollars per annum; to the city physician, one thousand two hundred dollars per annum; and to the plumbing inspector such salary as the common council may determine, said salaries to be fixed by the affirmative vote of at least two-thirds of all the aldermen elect of said city; and the common council may establish and prescribe the fees or salaries to be paid to all other officers of said city whose fees or salaries are not prescribed by law for services performed for said city, in all cases where such fees or salaries are to be paid by said city.

## TITLE V.

SEC. 19. Whenever the common council shall deem it expedient to construct any sidewalk within the city, it may by ordinance or otherwise, require the owner of any lot or premises adjoining thereto, or fronting or abutting thereon, to construct such sidewalk in front of or adjoining such lot or premises; the common council in like manner may by ordinance or otherwise, under such penalties as it may prescribe, require the owner to repair or reconstruct sidewalks in front of or abutting thereon or adjoining his premises, in such manner as the common council may direct. If such owner shall neglect or refuse to make, repair or reconstruct any sidewalk in front of or adjoining his premises, within such reasonable time as the common council shall prescribe, it shall be lawful for said common council, upon proof being filed with the city clerk of said city of the failure of the owner of such property to comply with the requirements of said common council, to cause the same to be done at the expense of the city, and an accurate account of the expenses thereof shall be certified to by the marshal, who is hereby authorized by virtue of his office to make, repair or reconstruct such sidewalk, or cause the same to be done, and file such account in the office of the city treasurer within five days after such work shall have been done. Said account, so certified to by said marshal shall contain an accurate description of each parcel of real estate of which said sidewalk is in front of or abutting thereon or adjoining thereto, and which was so made, repaired or reconstructed, the expense thereof and also the name of the owner of the real estate, if known, and if not known, such fact shall be so stated in such account.

SEC. 20. It shall be the duty of the city treasurer on the first Monday in August, November and February, in each year, to place such accounts then remaining unpaid in an assessment roll, together with ten per cent of each account to be added thereto, which said assessment roll shall be returned by him and reported to the common council, and shall be in substance

When treasurer to make assessment roll.

the same as the assessment roll provided for by this title in cases of assessments to defray the expenses of public improvements upon districts deemed to be benefited thereby, except that it shall not be necessary to place any valuation upon the real estate described in said roll. Said assessment rolls shall be subject to appeals therefrom to the common council, and notice of such appeals shall be filed with the city clerk stating the several grounds upon which appeal is taken, and such appeals shall be taken to and heard by the common council as in cases of other assessments provided for in this title and all provisions thereof relative to notice of and filing such appeals, and the hearing and action of the common council thereon shall be applicable thereto, and said roll shall be subject to ratification and confirmation by the common council as in other cases under this title. Such expense of making, repairing or reconstructing sidewalks as aforesaid, together with such percentage added as aforesaid, shall be and remain a lien upon such real estate, as hereinbefore set forth until the same is fully paid.

Tax, when  
collected, etc.

SEC. 21. The city clerk shall sign said roll and annex his certificate thereto, and the mayor shall within ten days thereafter annex his warrant to the said roll, commanding the said treasurer to collect said assessments within sixty days from the date thereof. Thereupon it shall be the duty of the treasurer to levy and collect the same by distress and sale of any personal property upon such real estate belonging to the persons chargeable with such assessments. All provisions of this title relative to the return and sale of real estate for unpaid assessments thereon, are hereby made applicable to assessments hereinbefore provided for.

When treas-  
urer may sell  
property.

SEC. 30. When the city treasurer shall have levied upon any personal property for the non-payment of any tax or assessment in this title provided for, he shall proceed to advertise and sell the same in like manner and upon like notice as is now required, or shall hereafter be required by law in the levy and sale of personal property for the non-payment of taxes by township treasurers. The city treasurer shall certify to the city comptroller lists of all lands acquired by the city on tax sales.

Treasurer to  
make state-  
ment of non-  
paid assess-  
ments.

SEC. 32. Ninety days after any assessment roll has been placed in the hands of the city treasurer for collection, without a further time shall have been granted to him to make collections of assessments on such assessment roll, by a resolution of the common council passed to such effect and duly entered upon its minutes, and at the expiration of such further time if granted, he shall make and file in his office a complete list of all real estate upon which assessments have not been paid or collected, with a statement to whom each parcel of said real estate was assessed, (or that it was assessed to a person unknown,) and describe such real estate and give the amount of the assessment, together with the collection fees as added upon each parcel; and he shall annex thereto a certificate substantially in the following form: "I hereby certify that the above list contains a true and accurate statement of each parcel of

real estate, and the assessment and collection fees thereon remaining unpaid, and the names of the persons to whom each parcel was assessed," and the improvement or work on account of which the assessment was made shall be named in such certificate.

**SEC. 33.** Within thirty days after the making and return of said list the city treasurer shall cause said list to be inserted in an official newspaper printed and published in said city, together with notice in substance as follows: "It appearing from the return and list of the city treasurer, that the assessment and collection fees on the above described parcels of real estate remain unpaid, notice is hereby given that said real estate will be exposed for sale in separate parcels at public auction on the ..... day of ..... A. D., 19.., at ten o'clock in the forenoon, at the front door of the court house, or place of holding the circuit court for the county of Kent in said city of Grand Rapids, and sold to the highest bidder for the purpose of collecting said assessments and interest thereon and fifty cents for the cost of selling each lot or pay the same into the city treasury." The costs, if paid before sale, shall be twenty-five cents on each parcel so paid, the cost of advertising and the fees for collection prescribed in said roll.

Statement to be published.

Form of notice.

**SEC. 35.** In case no person shall bid at such sale the amount of the assessment and costs on any lot or parcel so exposed for sale, the same shall be struck off to the city of Grand Rapids, and the city treasurer shall certify to the common council, at its next regular meeting, a statement of the lots or parcels so struck off to the city, and the amount for which each lot or parcel so struck off, was assessed, and the amount of costs chargeable to each lot or parcel. The common council shall order any such assessment, with the costs thereon, to be paid out of the general fund of said city, and the city treasurer shall thereupon transfer from the general fund to the proper special fund the amount specified in said order.

When property struck off to city.

**SEC. 36.** All real estate offered for sale for unpaid assessments under the provisions of this title shall be offered and sold to the highest bidder: Provided, No bid shall be received for a less amount than the assessment and collection fees added, and the costs of sale and advertising, together with all other costs and charges legally chargeable against said real estate, under the provisions of this title. In case a greater amount is bid for any lot or parcel of real estate, and the same is sold, than the amount of the assessment and costs and charges against the same, the surplus money shall be deposited with the city treasurer, whose duty it shall be to keep the same for the benefit of the person or persons entitled thereto.

To be sold to highest bidder.

Proviso.

Surplus, how used.

**SEC. 39.** Any distinct parcel of real estate sold under the provisions of this title may be redeemed at any time within one year from the date of the sale thereof, by paying to the city treasurer the amount for which it was sold, together with two per cent of such amount to be added thereto for each month from the date of the sale until the time of redemption thereof.

When may be redeemed.

Treasurer to  
keep records.

**SEC. 40.** Said city treasurer shall keep and preserve in his office, all books, papers and documents in relation to such assessment, the sale of the real estate for the non-payment of the same, and any redemption thereof, as are required to be filed and kept in his office by the provisions of this title, and the same shall be *prima facie* evidence of the matters contained therein.

When treas-  
urer to give  
deed.

**SEC. 41.** In case such lands shall not have been redeemed as aforesaid, it shall be the duty of the mayor of said city to execute and deliver to the purchaser a deed of the premises, which deed shall be in substance as follows: *Whereas, on the ..... day of ..... A. D. 19... at a public sale made by the treasurer [of] the city of Grand Rapids for assessments duly assessed by said city for the following purpose (stating the purpose for which said assessment was made); A..... B..... became the purchaser of the following described real estate, to wit: For the sum of..... that being the amount of the assessment, costs and interest of the .....*

Form of.

Now, therefore, know all men by these presents, that I, C..... D....., mayor of said city, in consideration of the premises, hereby grant, bargain, sell and convey unto the said A..... B....., his heirs and assigns the real estate above described, as so purchased by him, to have and to hold the same to the said A..... B....., his heirs and assigns forever.

Witness my hand and the seal of the said city, this ..... day of ..... A. D. 19...

Assessment  
rolls, when  
filed.

**SEC. 44.** The assessment rolls made pursuant to the provisions of this title shall be filed in the office of the city treasurer, and a true copy thereof shall be made, to which the warrant of the mayor shall be annexed for the collection thereof. In case of the loss or destruction of the said copy, a new one may be made, to which the warrant of the mayor shall be attached, and such new copy shall be as valid for all purposes as the first copy would be had full proceedings been taken under it. If any assessment be set aside, or adjudged void or illegal by a court, or otherwise, or if there are defects or errors in respect to the roll itself, or in the proceedings prior thereto, the common council, may by order, set aside the same and proceed de novo, and go back far enough to correct the proceedings and make a new roll. All street improvement rolls, all certified copies thereof, heretofore deposited with the city comptroller, under and by virtue of the provisions of section two of this title, shall be returned to the board of assessors by said comptroller and retained in the office of said board.

When mayor  
to attach  
alias warrant.

**SEC. 50.** If for any reason, not going to the validity of such assessment roll, the time for the collection of any assessment roll shall expire in the hands of the city treasurer before all the assessments therein contained shall have been collected, the common council, by a vote of a majority of all of the aldermen elect of such common council, may instruct the mayor to attach an alias warrant thereto, and fix the time for the

running of such alias warrant, which said alias warrant shall be the same in form and substance as the original warrant, except that it shall be therein indicated to be an alias warrant and shall command the city treasurer to collect the balance of said assessments then remaining uncollected, as may be collectable under the provisions of this title, and the powers, duties and obligations of the city treasurer under the alias warrant shall be the same as they were under the original warrant.

SEC. 58. A purchaser at the sale mentioned in section thirty-three of this title, shall, if the treasurer requires it, make immediate payment of the amount of his bid, and in case of his neglect or refusal to make such payment, the treasurer may declare the bid canceled, and offer the real estate for sale again. In case any person neglects or refuses to pay any bid made by him as aforesaid, he shall not thereafter be entitled to have any bid made by him during such sale received. In all other cases the purchasers shall pay the amount of their respective bids within forty-eight hours after the sale is closed. In case any purchaser shall fail to pay the amount of his bid within said forty-eight hours, any other person paying such amount shall have a certificate of the sale issued to him in accordance with the provisions of said section thirty-four of this title. But if no such person pays such amount, said real estate shall be set down as struck off to the city of Grand Rapids, in the same manner and to the like effect as if there had been no bidders for such real estate at such sale.

When treas-  
uer may  
cancel bids.

SEC. 59. If, in any event, it shall occur that any real estate is advertised for sale under the provisions of this title, and shall be struck off to a purchaser other than the city of Grand Rapids, and at the same time the whole or any part thereof, has heretofore been struck off to the city of Grand Rapids on account of any previous unpaid tax or assessment, and the whole of such real estate, or any part thereof as aforesaid, shall remain unredeemed from such previous unpaid tax or assessment at the time said purchaser on the sale first hereinbefore mentioned shall become entitled to receive a deed of said real estate, he shall before receiving said deed, pay to the city treasurer the full amount of all of such previous unpaid taxes or assessments, costs and charges, for which said real estate, or any part thereof, shall have been struck off to the city of Grand Rapids, and which remains unredeemed as aforesaid, anything in this title to the contrary notwithstanding. All bids made at any sale of real estate as provided for in this section shall be deemed to be made subject to the provisions thereof.

When bidder  
on part of par-  
cel to pay all  
assessments.

SEC. 60. Whenever the common council shall discover that any real estate, on which any tax or assessment remains unpaid, has been so imperfectly or erroneously described that the same cannot, in its opinion, be located with certainty, or that the sale thereof would not convey to the purchaser a valid title to the real estate intended to be charged with such assessment, by reason of the imperfect or erroneous description

When descrip-  
tion of prop-  
erty may be  
corrected on  
roll.

Proviso.

thereof, the common council shall by an order entered in its minutes, accurately describe such real estate intended to be charged with such tax or assessment, and shall direct the city treasurer to correct the assessment roll on file in his office, containing such imperfect or erroneous description so as to make it correspond to the accurate description contained in said original order of the common council, and thereupon all copies of such assessment roll required by the provisions of this title to be made, shall be made to correspond therewith as corrected: Provided, That no such imperfect or erroneous description shall be corrected until, the owner of the real estate shall be appraised of such intended correction by a printed or written or partly printed and partly written notice, either served upon him personally, or by leaving the same at his place of abode with some suitable person of proper age and discretion at least three days before such correction shall be made. In case such owner is a non-resident of the city, such notice shall be published in one of the official newspapers of the city at least three days before such correction shall be made.

## TITLE VIII.

Treasurer to give receipts.

SEC. 30. Whenever any payment is made to the city treasurer, either for taxes or for the redemption of any real estate sold for taxes, he shall give a receipt therefor to the person making such payment, and immediately make a duplicate thereof, which shall be filed in his office and kept as a part of the official records of his office.

This act is ordered to take immediate effect.

Approved May 21, 1903.

[No. 486.]

AN ACT to authorize the village of Harrisville in the county of Alcona and State of Michigan, to borrow money and issue its bonds therefor, with which to construct a water-works plant, for said village, and to levy a tax for the payment of said bonds and the interest thereon.

*The People of the State of Michigan enact:*

Village may issue bonds.

SECTION 1. The village council in the village of Harrisville, in the county of Alcona, shall be and is hereby authorized to borrow money on the faith and credit of said village, and to issue the bonds of said village therefor, to an amount not exceeding ten thousand dollars, which shall be expended for the construction of a water-works plant for said village of Harrisville, under such rules and regulations as the village council

shall provide: Provided, That a majority of the electors of said Proviso. — village voting at an election held in accordance with this act, shall vote in favor of the said loan in the manner specified in this act and not otherwise.

SEC. 2. The question of raising the said money shall be submitted by the village council of said village to the electors thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five. The village council shall have power to order a special election when it may, by said council, be deemed necessary to carry out the provisions of this act, and the proceedings at such election shall be the same as at the general elections held within said village as near as may be. Said village council shall cause notice of any election held under this act to be published at least twice in a newspaper published in said village, if any is published therein, and copies of such notice shall be posted up in six of the most public places in said village at least two weeks before such election is held. Those electors voting for said loan shall have written or printed on their ballots the words: "For the loan," and those electors voting against the loan shall have written or printed on their ballots the words: "Against the loan." Form of ballot.

SEC. 3. If said loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, payable at such times with such rates of interest, not exceeding six per cent per annum, as the said village council shall determine and direct. Such bonds shall be signed by the president of the village, countersigned by the clerk of said village and negotiated by or under the direction of the village council, and the money raised therefrom shall be appropriated in such manner as said village council shall determine for the purposes aforesaid. The said village council shall have the power, and it shall be their duty, to raise by taxes upon the taxable property of said village such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due. When bonds may be issued. How signed. Tax to be raised for.

This act is ordered to take immediate effect.

Approved May 21, 1903.

[No. 487.]

AN ACT to incorporate the village of Marlborough in the county of Lake.

*The People of the State of Michigan enact:*

SECTION 1. All that territory situate and being in the town-  
ship of Pleasant Plains in the county of Lake, State of Michigan. Territory to contain.

gan, and described as follows, viz.: Sections fourteen and fifteen, town seventeen north, range thirteen west, is hereby incorporated, made and constituted a village by the name of Marlborough.

To be body corporate.

Subject to certain act.

SEC. 2. The inhabitants of said village shall be and constitute a body corporate and politic to be known and distinguished by the name and title of the village of Marlborough, and the said village shall be vested with all the powers and privileges and subject to all the restrictions and liabilities of villages organized under an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, one thousand eight hundred ninety-five, and all acts amendatory thereof or in addition thereto.

First election.

SEC. 3. The first election of officers for said village shall be held on the first Monday in June, one thousand nine hundred three, at the Marlborough hotel situated in said village.

Board of registration, when to meet, etc.

SEC. 4. Frederick T. Houk, Charles R. Rinehart, Edward W. Britton and George Baker are hereby constituted the board of registration and election for the purpose of registering voters for the first election, to be held in said village, and of acting as inspectors of election at said first election, and said board of registration is hereby directed to meet on the Saturday preceding the said first Monday in June, in the main office of the said Marlborough hotel, in the said village of Marlborough and register the names of all persons, residents of said village presenting themselves for registration and having the qualifications of voters under the constitution and laws of this State.

Notice of election.

SEC. 5. Notice of said first election of officers of said village shall be posted in three of the most public places in said village at least five days before the date of said election, which notice may be signed by any five electors in said village.

How governed.

SEC. 6. The said village of Marlborough shall in all things not herein otherwise provided be governed by the said act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, one thousand eight hundred ninety-five, and the acts amendatory thereof and in addition thereto.

Special election.

SEC. 7. In case the officers of said village are not elected at the time designated in section three of this act, the election for such officers may be held at any time within one year from the time designated in said section, notice thereof being given as provided in section four of this act.

This act is ordered to take immediate effect.

Approved May 21, 1903.

## [No. 488.]

AN ACT providing that all persons, other than attorneys at law, shall be ineligible to election or appointment to the office of judge of probate in Iron county.

*The People of the State of Michigan enact:*

SECTION 1. Hereafter no person shall be eligible to election or appointment to the office of judge of probate in the county of Iron in this State, nor shall any person be qualified to hold such office after the term of the present incumbent shall have expired or said incumbent shall have resigned or the said office otherwise become vacant, who is not, at the time of such election or appointment, an attorney at law, duly authorized to practice at the bar in all of the courts of this State.

SEC. 2. All acts or parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved May 26, 1903.

## [No. 489.]

AN ACT to amend section sixty-six of chapter seven of an act, entitled "An act to provide a charter for the city of Detroit," and to repeal all acts and parts of acts in conflict therewith, approved June seventh, eighteen hundred eighty-three, being act number three hundred twenty-six of the Local Acts of eighteen hundred eighty-three, as amended by the several acts amendatory thereof.

*The People of the State of Michigan enact:*

SECTION 1. Section sixty-six of chapter seven of act three hundred twenty-six of the Local Acts of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit," and to repeal all acts and parts of acts in conflict therewith, as amended by the several acts amendatory thereof, is hereby amended to read as follows:

SEC. 66. The common council shall also have power to appropriate each year for the support of the Detroit museum of art such sum not exceeding twenty thousand dollars in any one year as it may deem necessary, which sum shall be paid from the general fund: Provided, however, Such appropriation shall be made upon the express condition that admittance to said museum shall be free to the public at all times, subject to such reasonable regulations as to the hours as the board of trustees of said Detroit museum of art may establish. The common council shall also have power to appropriate from time to time such sums as is necessary for the purpose of erecting an addi-

Section  
amended.

Amount coun-  
cil may appro-  
priate for  
museum of  
art.

May borrow  
money for  
buildings.

May issue  
bonds.

Sale of, etc.

tional building or buildings for the Detroit museum of art which sums shall be paid from the general fund. The common council shall also have power, with the approval of the board of estimates, for the purpose of erecting such additional building or buildings for said museum of art to borrow upon the best terms it can make and for such time as it shall deem expedient, such sums of money as it shall deem necessary, not exceeding the sum of fifty thousand dollars, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Detroit Museum of Art Bonds," of the city of Detroit and shall bear interest not exceeding four per cent per annum. The controller shall keep an accurate register of all such bonds issued showing the number, date and amount of each bond and to whom the same was issued. The money received from such bonds shall be placed in the city treasury and shall be expended solely for the purposes therein specified under the supervision and on the warrant of the board of trustees of said Detroit museum of art. The common council shall have full authority to provide by resolution for the advertising and sale of said bonds, the manner thereof to conform as nearly as may be practicable to the regulations heretofore prescribed by law for the issuance of sewer bonds. The bonds herein provided for shall run for a period of not less than ten years nor more than twenty-five years.

This act is ordered to take immediate effect.

Approved May 26, 1903.

Village may  
issue bonds.

Rate of inter-  
est, etc.

[No. 490.]

AN ACT to authorize and empower the village of Decatur, in the county of Van Buren and State of Michigan, to raise or borrow money and issue bonds therefor, not to exceed four thousand dollars, for the purpose of refunding four thousand dollars of water-works bonds due in nineteen hundred four.

*The People of the State of Michigan enact:*

SECTION 1. The village council of the village of Decatur, in the county of Van Buren, is hereby authorized to raise or borrow money and to issue the negotiable coupon bonds of the said village to an amount not exceeding four thousand dollars, for the purpose of refunding the water-works bonds amounting to four thousand dollars, being due in nineteen hundred four. The said bonds shall become due and payable not later than twenty years from their date; shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and shall be in such form and of such denomination and executed in such manner as the said village council shall by a two-thirds

vote thereof direct, and when issued and delivered for value, shall be valid and binding obligations against the said village.

SEC. 2. When the said bonds are issued, it shall be the duty of the said village council thereafter to annually levy a direct tax, in addition to all other village taxes, on all taxable property in the said village, sufficient in amount to meet the interest on the said bonds promptly as the same matures, and also to establish and maintain a sinking fund which shall be sufficient to liquidate the principal of the said bonds at the date of their maturity. The annual tax herein provided for shall be collected at the same time and in the same manner in each year as other village taxes are collected: Provided, That the amount of money authorized to be raised or derived from the issue of bonds under the provisions of this act shall not be used for any purpose other than refunding the water-works bonds due in nineteen hundred four: Provided further, That said village shall not bond itself, as hereinbefore provided, until a majority of the qualified electors of said village voting thereon have voted in favor of said bonding.

This act is ordered to take immediate effect.

Approved May 27, 1903.

[No. 491.]

AN ACT to authorize and empower the village of Decatur, in the county of Van Buren and State of Michigan, to raise or borrow five thousand dollars and issue bonds therefor, for the purpose of making public improvements and paying off unsecured indebtedness.

*The People of the State of Michigan enact:*

SECTION 1. The village council of the village of Decatur, in the county of Van Buren and State of Michigan, is hereby authorized and empowered to borrow, on the faith and credit of the said village, a sum of money not to exceed in the aggregate the sum of five thousand dollars for any term of years not less than one nor more than fifteen, at a rate of interest not to exceed six per centum per annum, payable semi-annually, and to execute and issue the coupon bonds of the said village therefor, in such form and in such amounts and payable at such times, within the foregoing limits, as the said council may, by a two-thirds vote of all the members elect, determine, and to provide for the payment of the interest upon the same, which interest shall be payable at such place or places as the said council shall direct.

SEC. 2. The said village council is hereby further given authority to provide by tax on the taxable property in the said village for a sum of money sufficient to pay the interest upon

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any and all such bonds issued under authority of this act, and to establish a fund for the payment of the said bonds at the date of their maturity.

**Moneys, how used.** SEC. 3. All money borrowed under the provisions of this act shall be used only for the purpose of paying off unsecured indebtedness and for making public improvements of such a nature and under such rules and regulations as the said village council shall prescribe: Provided, That said village shall not bond itself as hereinbefore provided, until a majority of the qualified electors of said village voting thereon, have voted in favor of said bonding.

This act is ordered to take immediate effect.

Approved May 27, 1903.

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[No. 492.]

AN ACT to amend section six, of chapter eight, section one of chapter nine, sections eleven, sixteen, twenty, twenty-five and thirty-five of chapter sixteen, section one of chapter twenty-one, section seventeen of chapter twenty-three of act number four hundred seventy-five of the Local Acts of eighteen hundred ninety-seven, entitled "An act to reincorporate the city of Kalamazoo and to repeal an act, entitled 'An act to incorporate the city of Kalamazoo,' and to repeal an act, entitled 'An act to reincorporate the village of Kalamazoo and to repeal all inconsistent acts and parts of acts, approved March fifteenth, eighteen hundred sixty-one, as amended by the several acts amendatory thereof,' approved June eighth, eighteen hundred eighty-three, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts," approved June second, eighteen hundred ninety-seven, as amended by the several acts amendatory thereof, and to repeal section sixty-one of chapter twenty-two thereof and to add a chapter thereto to stand and be known as chapter twenty-eight, and to repeal all inconsistent acts and parts of acts.

*The People of the State of Michigan enact:*

**Sections amended.** SECTION 1. Section six of chapter eight, section one of chapter nine, sections eleven, sixteen, twenty, twenty-five and thirty-five of chapter sixteen, section one of chapter twenty-one, section seventeen of chapter twenty-three of act number four hundred seventy-five of the Local Acts of eighteen hundred ninety-seven, entitled "An act to reincorporate the city of Kalamazoo and to repeal an act, entitled 'An act to incorporate the city of Kalamazoo,' and to repeal an act, entitled 'An act to reincorporate the village of Kalamazoo and to repeal all inconsistent acts and parts of acts, approved March fifteenth, eighteen hundred sixty-one, as amended by the several acts amendatory

'hereof,' approved June eighth, eighteen hundred eighty-three, is amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts," approved June second eighteen hundred ninety-seven, as amended by the several acts amendatory thereof, is amended, and that section sixty-one of chapter twenty-two thereof is repealed and that a chapter is added thereto to stand and be known as chapter twenty-eight, and that all acts or parts of acts inconsistent herewith are repealed; said sections so amended and said chapter so added to read as follows:

### CHAPTER VIII.

**SEC. 6.** The treasurer-elect in each year, before entering on the duties of his office, and within ten days after his election, shall make and file with the city clerk a bond in the penal sum of not less than one hundred twenty-five thousand dollars, with three or more sufficient sureties, to be approved by the city council, conditioned for the faithful accounting for and proper payment of all moneys belonging to the city and coming into his hands by virtue of the office, and the prompt accounting for and paying over without delay of all other moneys coming to his hands by virtue of his office, and for the faithful and lawful performance of all the duties of his office. The city treasurer shall also be required to furnish a bond in a penal sum to be approved by the city council, to school district number one of the city and township of Kalamazoo, Kalamazoo county, Michigan, conditioned for the faithful accounting for and proper and prompt payment of all moneys belonging to said school district which may come into his hands by virtue of his office, and the prompt accounting for and paying over without delay of all such moneys. Whenever in the opinion of the city council, necessity therefor shall arise, the city treasurer shall make and file such additional bond or bonds as may be required by said city council, and within such time as may be directed for that purpose, which bond or bonds shall be approved by the city council.

Treasurer to give bonds.

To give bonds to school district.

When to file additional bonds.

### CHAPTER IX.

**SECTION 1.** Justices of the peace elected under this act shall have in all respects the same powers and duties and jurisdiction as justices of the peace of townships under the general laws of the State, and as if the city were a township, and shall be subject to all the general laws of the State, in the same manner as other justices of the peace, except when in this act or in act number thirty-four of the Public Acts of Michigan of eighteen hundred eighty-five, entitled "An act to establish a recorder's court for the city of Kalamazoo, and to define the jurisdiction of the same." it is otherwise provided, or when the provisions of this act or of said act number thirty-four shall be inconsistent therewith.

Powers and duties of justices of peace.

## CHAPTER XVI.

**Council may borrow money.** SEC. 11. The city council shall have power to borrow money and incur indebtedness for necessary expenses in carrying out all the powers conferred upon them by this act; and for public improvements to be made in said city: Provided, That the total indebtedness created by said city council in any year shall not exceed the amount of the tax levies for that year, and shall be paid out of the tax levies for that year: Provided further, That the foregoing provision of this section shall not apply to any indebtedness which may be created for the purpose of doing any work under a special assessment roll, for which the city council are herein authorized to issue bonds. The question of borrowing money for the purposes hereinbefore set forth and also for the purpose of cleaning the channel of the Kalamazoo river and other water courses within the limits of the city and adjacent thereto as a sanitary or health measure, may be submitted to the electors of said city at the annual election or at a special election called for that purpose by the city council, and in case a majority of the qualified electors voting at such election shall vote by ballot in favor of borrowing money, the city council shall have power to borrow money not exceeding the sum so voted, and to issue bonds for the sum so voted to extend for a term of years at a rate of interest to be fixed by the city council. In case of the issue of bonds, the city council shall provide by resolution for a sinking fund for the payment of such bonds and the interest thereon, and the moneys in said sinking fund shall be used for no other purpose than the payment of the principal and interest of such bonds. The city council shall have power, in case of any calamity, fire or inevitable accident, by resolution adopted by the unanimous vote of all the members of the said city council to borrow money and incur indebtedness to meet the requirements occasioned thereby, in excess of the limitations in this section contained, by the issue of bonds or otherwise as they may determine necessary: Provided, That the necessity for said action shall be clearly stated in said resolution: And provided further, That the sum so borrowed shall not exceed the sum of five thousand dollars: And provided further, That provision shall be made for the payment of the entire indebtedness so incurred within two years from the time of the adoption of said resolution, unless the qualified electors of the city shall, at the next regular city election, or at a special election held prior to the next regular city election, vote in favor of borrowing such money for a longer time. Each and every act of the city council, had and taken before the passage of this act in relation to borrowing money for the use of said city, is hereby declared to be lawful and all the indebtedness existing and outstanding against said city by reason of any act had and taken by said city council before the passage of this act, incurred for materials purchased or money borrowed, together with all obligations given therefor, is hereby declared to be lawful, and the same shall constitute lawful and

just claims against said city. Said city council shall cause the present existing unsecured indebtedness of said city to be paid out of the moneys raised by the annual tax levy of the year one thousand nine hundred three. The city council shall not have power to borrow money except as in this act expressly provided.

SEC. 16. The city council shall have full power and authority to lay out, establish, open, alter, vacate, discontinue, widen, repair, light and improve highways, avenues, streets, lanes, alleys, drains, water-courses, culverts and bridges in said city whenever said council shall deem the same a public improvement or necessity, and may regulate the use thereof and protect the same from obstruction, encroachment and injury, and the city council shall have full power and authority to regulate and establish a line upon which buildings may be erected upon any street, lane or alley in said city and to prevent such buildings being erected nearer the street than such line. If, in laying out, establishing, opening, altering, widening, repairing or improving any highway, street, lane, avenue, alley, drain, water course, culvert or bridge, it shall be necessary to take or use any private property, the same may be appropriated in the manner provided in this act for taking private property for public use. The whole or any part of the expense of any such improvement may be paid out of the funds of the city. If it shall be determined that the city pay only a portion of such expense, the balance thereof shall be paid by special assessment upon the property adjacent thereto and benefited thereby, and such special assessment may be levied and collected as provided by this act for levying and collecting special assessments.

SEC. 20. The city council shall have power to cause the public streets, highways, avenues and alleys in said city to be graded, macadamized, paved, planked or graveled, and otherwise constructed, improved and repaired, and the gutters paved. The cost and expense thereof may be paid by the corporation, or the same, or any part thereof may, as the council may by resolution determine, be assessed on the property adjacent thereto and benefited thereby. The terms "paved" and "macadamized" shall be deemed to include gutters, curbing, cross-walks ballasting and laying or relaying water mains, storm and sanitary sewers. For the purpose of meeting the expense thereof, in anticipation of the collection of the assessments and taxes to defray the expenses and cost thereof, the city council may by resolution authorize and direct that a sum of money not exceeding the amount levied in the special assessment roll for said work, except as hereinafter provided, shall be borrowed by the issue of bonds bearing interest at the rate not exceeding six per cent per annum: Provided, however, That the total amount of such bonds thus authorized to be issued shall not exceed three hundred thousand dollars outstanding at any one time; that said bonds shall be made payable in equal amounts each year for a period not exceeding seven years from the date of issue as the city council may direct. Said bonds shall be en-

Council to have care, etc., of streets.

May take private property for.

Expense of improvements, how paid.

Council may grade, pave, etc., streets.

Cost of, how paid.

May issue bonds.

Proviso.

Bonds to be sold at not less than par.

When city to bear expense.

Duty relative to cleaning of streets.

Relative to sprinkling.

Council to prescribe terms, etc., for licenses.

May revoke license.

dorsed "Special Assessment Bonds," and said endorsement shall also include the nature of work for which said special assessment was levied. Said bonds shall not be sold for less than par and the proceeds thereof shall be paid to the city treasurer and by him placed to the credit of a fund to be known by the name endorsed upon the bonds, and as rapidly as money is collected upon said special assessment roll for the improvement for which the bonds were issued, the same shall be deposited to the credit of the aforesaid fund, and said bonds shall be paid from said fund and from no other, as rapidly as they fall due. At any time before the confirmation of the special assessment roll for paving or macadamizing any street, the city council may determine by resolution that the corporation shall pay the expense and cost thereof for the street intersections and the expense of laying or relaying water mains, sanitary and storm sewers, and in that event, the city council may, if it deems it advisable, borrow enough money by the issue of bonds payable in not more than seven annual installments, to pay the expense thereof, on or before the day when said bonds fall due, the city council shall transfer or pay into a special fund, enough money to pay said bonds. The city council shall have power to cause any of the paved, macadamized or graveled streets of the city to be cleaned and kept clean. The cost and expense thereof may be paid by the city, or the same or any part thereof, as the council may by resolution determine, may be assessed on the property adjacent thereto and benefited thereby. The city council shall have power to cause the public streets, highways, avenues and alleys in said city to be sprinkled whenever deemed necessary. The cost and expense thereof may be paid by the city, or the same, or any part thereof, as the council may by resolution or ordinance determine, may be assessed on the property adjacent thereto and benefited thereby. All assessments provided for in this section may be levied and collected as by this act provided for levying and collecting special assessments.

SEC. 25. The council may prescribe the terms, conditions and time, not exceeding one year, upon which licenses may be granted, and direct the manner of issuing and registering the same, and by what officer they shall be issued and the fees collected, and prescribe the amount of money that shall be paid therefor. Licenses shall not be transferable and shall contain all conditions upon which the same are held, including the right of temporary revocation by the chief of police of the city during the interim between the meetings of the council, when he shall deem it necessary. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for noncompliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. The city council may provide for punishment by fine or imprisonment, or both, of any person, who without license, shall exercise any occupa-

tion or trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the said city council or by this act. All sums received for licenses granted for any purpose by the city treasurer under its authority shall be paid into the city treasury to the credit of the general fund.

SEC. 35. The city council shall have full power to provide for and regulate the inspection of all slaughter houses, wherein meat for use as human food in said city is slaughtered, to provide for and regulate the inspection of all animals held therein for slaughter and the carcasses of all animals already slaughtered, although said slaughter houses, animals or carcasses thereof may be outside of the city limits, and the person or persons selling such animals or carcasses thereof shall be governed and controlled by and be subject and amenable to any ordinance or regulation enacted by the city council relating to such inspection and regulation of slaughter houses, animals or carcasses thereof, when the carcasses of said animals are sold or intended to be sold within the city limits for use as human food, the same as if said slaughter houses were within the city limits.

Powers-relative to  
inspection of  
meats, etc.

## CHAPTER XXI.

SECTION 1. The city council shall have power to raise annually by taxation upon the real and personal property in said city taxable under the constitution and laws of the State, such sums of money, not exceeding in any one year one per cent of the assessed value of such property as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers by this act granted. This amendment shall go into effect and apply to tax levies after the year nineteen hundred two.

Amount may  
raise by tax.

## CHAPTER XXII.

SEC. 61. Section sixty-one of chapter twenty-two of act number four hundred forty-three of the Local Acts of nineteen hundred one is hereby expressly repealed.

Section  
repealed.

## CHAPTER XXIII.

SEC. 17. Upon the confirmation of any special assessments, the amount thereof may be divided into not more than seven installments, one of which shall be collected each year, at such times as the city council shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation, may be paid to the city treasurer at any time in full, with the proportionate interest thereon.

Assessments  
may be  
divided.

## CHAPTER XXVIII.

### BOARD OF POLICE AND FIRE COMMISSIONERS.

Powers and  
duties vested  
in board.

SECTION 1. All the powers and duties connected with and incident to the government and discipline of the police and fire departments of the city, shall be as hereinafter provided, vested in and exercised by a board of three commissioners, to be known as "The Board of Police and Fire Commissioners of the city of Kalamazoo," a majority of whom shall constitute a quorum for the transaction of business. Such board shall be appointed as hereinafter provided.

Term of  
office.

SEC. 2. The full term of each member of the board of police and fire commissioners, hereafter to be appointed, shall be for the term of three years, and until his successor is appointed and qualifies. By and with the consent of the city council, the mayor shall appoint said board of police and fire commissioners on or before the first Monday in May after the passage of this act. The term of office of one member of said board shall expire in one year from said first Monday in May, and he shall hold office until that time and until his successor is appointed and qualifies; the term of office of one member of said board shall expire in two years from said first Monday in May, and he shall hold office until that time and until his successor is appointed and qualifies; the term of office of one member of said board shall expire in three years from said first Monday in May, and he shall hold office until that time, and until his successor is appointed and qualifies, and on or before the first Monday in May in each and every year after the expiration of the respective terms of office of the members of said board of police and fire commission, one member thereof shall be appointed in the same manner, whose term of office shall continue for three years thereafter and until his successor is appointed and qualifies. Any vacancies occurring upon said board from any cause whatever shall be filled for the unexpired term as above provided.

Compensa-  
tion, eligibil-  
ity, etc.

SEC. 3. Said commissioners shall serve without any compensation whatsoever. No person shall be eligible to said board unless he shall then be an elector and resident of said city, nor shall any person be eligible who holds any elective or political office, or any office by virtue of the appointment of the mayor or city council of said city, and any of said commissioners shall be considered as vacating his office in the event of his accepting or holding any such office. Not more than two members of said board shall belong to any one political party.

To take oath,  
where filed.

SEC. 4. Any person appointed and accepting membership on said board shall take the oath of office prescribed by this act, and file the same in the office of the city clerk, before entering upon the discharge of the duties of his office, which filing shall constitute an acceptance of the office, and said city clerk shall report such acceptance of office to the city council at its next regular meeting.

**SEC. 5.** The board shall annually elect one of its members <sup>To elect president.</sup> president thereof, to act until his successor is elected, and shall fill any vacancy in such office as president. The board <sup>Report to council.</sup> shall report to the city council monthly the condition and needs of the police and fire departments, and the expense of conducting the same for the ensuing month, together with the number of men employed in each of said departments. Said board shall also certify from time to time, to the city clerk, all such accounts, claims and demands against the city, for or on account of said police and fire departments, as shall have been approved by the board; and the city clerk shall report the same to the city council for payment, in all cases where the expenditure involved is included within the detailed annual estimate; in all other cases he shall report the item to the council for its action. Said board may also report to the city clerk any claim or demand, the validity of which may be in doubt.

**SEC. 6.** Said board shall have full power to appoint a chief <sup>To appoint chief of police, etc.</sup> of police, special policemen, patrolmen, additional policemen and watchmen, and to fix the compensation of the same. It shall have power to appoint as many watchmen as it may deem necessary, but not exceeding three for every five thousand inhabitants of the city. It may designate one or more policemen to be sergeants, captains and lieutenants of police as such to exercise control of the police force, as prescribed by the regulations of the board.

**SEC. 7.** It shall also appoint as many special police without compensation, in times of special emergency or apprehended danger, from riot or other cause of alarm, as it may deem expedient or as the city council or mayor may request. Whenever it may seem discreet to said board, it may appoint any number of special police to do duty at any designated place within the city, upon the application of any person or persons, showing the necessity therefor, but without compensation. All persons appointed by the board, under this section and the preceding section, shall be citizens of the United States, and shall have been continuous residents of the city for at least three months next preceding such appointment, and shall continue in office at the pleasure of the board.

**SEC. 8.** The chief of police and the police officers, patrolmen or policemen of said city, in addition to the powers, duties and authority possessed by them at common law, and the laws of this State in matters of a criminal nature, shall have power to arrest without process all persons who shall, in the presence of the arresting officer, be engaged in the violation of any ordinance or regulation of the city council, or the penal provisions of this act, and such persons may be detained in custody until complaint can be made and process issued for their arrest and trial; and it shall be the duty of such officer to make such complaint and procure such process in the proper court, as speedily as possible after such arrest.

**SEC. 9.** Said board of commissioners may, whenever it shall seem to them best, dismiss from the department and from service, the chief of police or any member of the police force, or any

watchman, with or without charges or trial, and no such dismissed person shall be entitled to any compensation after such dismissal, and said board may, at pleasure, change any member of said police department from one grade of service to another, and they may change the amount of compensation of any member of the department at any time, and may suspend any member of the department with loss of pay for such time as they may fix.

Board to adopt rules for department.

SEC. 10. Said board shall have power, and it shall be its duty to make all such rules and regulations for the government and discipline of said police department as it may deem best calculated to secure thoroughness and efficiency. It shall prescribe suitable uniforms and badges for the several members of the department; shall establish proper regulations for the care and management of such police stations as may be provided by the city council for the accommodation of the police force, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses. It may adopt such system of reports from the members of the force to the chief and from the chief to the board as it shall think desirable, and may, in its discretion, require a bond to the city from the chief or any member of the department as security for the proper performance of his duties. It shall prescribe the duties of the chief of police and of all regular and special police and shall provide for the preservation of the public peace, for the prevention of crime, for the arrest of all offenders against the peace and good order of the city, and of all persons violating the ordinances of said city. It may provide for the protection of the rights of all persons and property and for the preservation of order at fires and at all railroad depots, and shall cause the enforcement of ordinances of the city and laws of the State in regard to public peace, public health and the enforcement of the provisions of this act and ordinances of said city, relative to the restraining and regulating of the running at large of horses, cattle, swine and other animals, geese and poultry, and to the impounding of the same under and by virtue of the provisions of this act and ordinances or regulations of the city. And it shall also cause the enforcement of all other ordinances or regulations proper to be enforced by the police of said city. And it shall be the duty of said board at all times, whenever consistent with the regulations of the board, and the requirements of this act, to furnish all information desired, and to comply with all reasonable requests made by the city council of said city or by the mayor thereof. Said board shall be allowed the use of the police headquarters for its meetings, and the police clerk shall be clerk of said board without additional compensation.

May adopt system of reports.

To cause enforcement of ordinances.

#### OF THE FIRE DEPARTMENT.

Board to have charge of.

SEC. 11. The board of police and fire commissioners shall have the keeping and the custody of all engine houses, fire engines and apparatus, horses, hose, implements, tools, bells, bell towers, fire alarm telegraph and all other property of what-

ever nature, and the complete care and control of the fire department shall be vested in said board, and it shall be its duty to maintain said department and keep the same in order; and to prescribe all rules and regulations for the government of the same, and may prescribe reasonable and legal fines and penalties for the breach of any such rules or regulations.

SEC. 12. Said board shall appoint one chief of the fire department, as many assistant chiefs as it may deem necessary and a proper number of firemen, hook and ladder men and other employes as it may deem best, all to have the privileges and exemptions of firemen, and to hold their appointments during the pleasure of said board. Whenever it may seem best to said board, it may dismiss from the department and from the service, the chief of the fire department or any member thereof, with or without trial, and no such dismissed person shall be entitled to any compensation after such dismissal. Said board may change the compensation of the chief of the fire department or any member thereof, or suspend the chief of the fire department or any member thereof, without pay for such time as it may determine. And said board shall, from time to time as it may deem proper, prescribe and publish in convenient form for use, a system of rules and regulations for the government of the fire department. All persons appointed by said board under the provisions of this section, shall be citizens of the United States and continuous residence of said city of Kalamazoo for at least three months next preceding such appointment.

SEC. 13. Said board shall fix the salary of the chief of the fire department and of all other persons connected with the fire department of said city, and may require the chief of the fire department to execute a bond to said city, conditioned as required in this act, and in such sum as it may deem best, to secure the faithful performance of his duties. By and with the consent of the city council, said board shall have power to purchase all such fire engines, with their hose and apparatus, horses, hose carts, ladders, trucks, fire hooks, fire buckets and other tools, implements and conveniences for the extinguishment of fires, and to prevent injuries by fires, as may from time to time be necessary, and repair or replace the same. and it shall have power to make all needed repairs to any of the engine houses now built in said city, but it shall not have power to purchase real estate or erect engine houses.

SEC. 14. Said board shall have power to locate sites for engine houses and police stations; to organize said city into as many fire districts as it may deem necessary; to prescribe rules for the inspection of buildings by the chief of the fire department and his assistants, and prescribe the duties of firemen; to control the hydrants in use by said fire department; to direct the manner in which the alarm of the city shall be given in case of fire or alarms of fire, and to establish and maintain an efficient system of fire alarm telegraph; and such other telegraphic or telephonic apparatus as may be necessary to secure the highest efficiency of the department.

To appoint  
chief, firemen  
etc.

To prescribe  
rules.

With consent  
of council  
to purchase  
apparatus.

Board to  
locate sites  
for engine  
houses, etc.

Powers and  
duties of  
chief.

SEC. 15. The chief of the fire department, under the direction of the board, shall have the custody and general superintendence of the fire engine houses, hooks, ladders, hose, horses, public cisterns, hydrants and other property and conveniences for the extinguishment and prevention of fires; and it shall be his duty to see that the same are kept in order and to see that the rules, regulations and ordinances relative to the fire department and to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of the department, the conduct of the members thereof, and such other matters as may be required by the rules and regulations, to the said board of police and fire commissioners.

Board to  
prescribe  
duties.

SEC. 16. Said board shall prescribe the duties of the chief of the fire department and other members of the fire department at fires, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; but in no case shall any member of said board, or any officer of the city, control or direct the chief of the fire department or assistants during any fire. It may provide for the removal and keeping away from fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose on the chief of the fire department or other officers of the city. It shall require reports from the chief of the fire department or other officer in charge of the department, of all fires, fire alarms, losses and insurance on all property destroyed, and keep proper record thereof, and shall report the same monthly to the city council of said city. And it shall be competent for said board at any time, if in their best judgment they deem it proper, to send any steam or fire engine with hose and apparatus to the relief of any community in the vicinity of said city.

When may  
pull down  
buildings.

SEC. 17. Whenever any building in the city shall be on fire, it shall be lawful for the member of the fire department in charge of such fire, with a consent of a member of the board of police and fire commissioners, to order such building, or any part thereof, or any other building, or any part thereof, not on fire, but which he may deem hazardous and likely to communicate fire to other buildings, to be pulled down and destroyed. In such case, no action shall be maintained against any person, or the city, therefor. Any person pecuniarily interested in any such building destroyed, in whole or in part, may within three months thereafter apply to the city council to assess and pay the damages which he has thereby sustained.

Application  
for damages,  
where filed.

SEC. 18. Such application shall be in writing, signed and sworn to by such person, and shall contain a statement of the amount claimed. Such application shall be filed in the office of the city clerk, who shall endorse on the back thereof, the date of the receipt and filing of the same. The city council shall either pay the person such sum as the city council and the person shall have agreed upon for such damages, or if no such agreement shall have been effected, the city council shall proceed to ascertain the amount of such damages, and shall provide for the appraisement, assessment, collection and payment

When council  
to pay.

of the same, as is provided for in this act for the ascertainment, assessment, collection and payment of damages sustained by the taking of real estate for purposes of public improvement.

SEC. 19. The jury appointed to appraise and assess the damages incurred by the person whose building is destroyed in whole or in part, as provided for in the two preceding sections, shall take into account the probability of the same having been destroyed or injured by fire, if it had not been so pulled down and destroyed, and may report that no damages should equitably be allowed to such person. Whenever a report shall be made and finally confirmed, in the proceedings for appraising and assessing the damages, a compliance with the terms thereof by the city council, shall be deemed a full satisfaction of all damages of such person.

SEC. 20. Said board shall see that all ordinances and regulations of the city council, and all provisions of this act relating to the fire department and to the prevention and extinguishment of fires, and all the provisions of the general laws of the State relating thereto, are faithfully enforced and it may, at all times, call upon and direct the police force to enforce the same.

SEC. 21. It shall be the duty of said board to prepare and submit to the city council for its ratification or amendment, on or before the first day of May of each year, estimates of the whole expense of maintaining the police and fire departments of the city for the ensuing year, from the first day of May, in accordance with the provisions of this chapter. Such estimates shall be separate for the two departments, and shall specify in detail the objects of the expenditures, the sum desired for each, and any special reasons the board may have for desiring the same.

SEC. 22. Said board shall not incur any indebtedness, nor enter into any contract requiring the payment of money, unless such indebtedness or such contract is provided for in the said detailed annual estimate provided for in the preceding section, unless especially authorized so to do by a majority of all the aldermen elect of the city council. Said board shall have power to allow compensation to members of the police and fire departments for lost time occasioned by injuries incurred while in the discharge of duties: Provided, That such compensation shall not exceed two-thirds of the regular pay of such disabled member and such compensation shall not continue beyond sixty days.

SEC. 23. The city council may, upon the recommendation of said board, provide suitable compensation for any injury that any fireman, hook-and-ladder-man and hose-man may receive in his person or property, in consequence of his exertions at any fire.

SEC. 24. This chapter shall not take effect until the question of establishing a board of police and fire commissioners shall have been, at either a general or city election, or at a special election, called for that purpose, submitted to a vote of the

Duties of jury  
relative to  
assessment.

Board to  
enforce  
ordinances.

Board to sub-  
mit estimates  
to council.

Not to incur  
indebtedness  
unless author-  
ized by coun-  
cil.

Proviso.

When council  
may com-  
pensate in-  
jured firemen.

Question of  
establishing  
board to be  
submitted to  
electors.

electors of said city and a majority of the vote cast upon such question at such election shall be in favor of establishing such a board. And it is hereby provided that the question of establishing such a commission may be submitted at any election which the city council of said city may by resolution determine.

**Repealing clause.**

SEC. 2. All acts or parts of acts inconsistent with this act, or any part thereof, are hereby repealed.

This act is ordered to take immediate effect.

Approved May 27, 1903.

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[No. 493.]

AN ACT to amend sections forty-seven and one hundred ten of act number two hundred nineteen of the Session Laws of eighteen hundred and seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-first, eighteen hundred seventy-three, and all acts and parts of acts amendatory of said sections.

*The People of the State of Michigan enact:*

**Sections amended.**

SECTION 1. Sections forty-seven and one hundred ten of act number two hundred nineteen of the Session Laws of eighteen hundred seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-first, eighteen hundred seventy-three, and all acts and parts of acts amendatory thereof, are hereby amended so as to read as follows:

**Special assessments, how made.**

SEC. 47. Whenever under the provisions of this act the costs or expenses of any local or public improvement are to be defrayed in whole or in part by special assessment upon lands abutting upon, and adjacent to, or otherwise benefited by such improvements, such assessment shall be made as herein provided:

**Board of assessors, by whom appointed.**

First. There shall be a board of assessors, to be appointed by the council, consisting of a city surveyor and two other members, who shall be electors in the city. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment, who for the purpose of that assessment, shall be a member of the board;

**Council to declare assessment by resolution.**

Second. When the council shall determine to make any public improvement or repairs, the cost and expense of which are to be paid by special assessment, they shall so declare by resolution, stating the improvement and what part or proportion of the expense thereof shall be paid by such special assessment, and what part, if any, must be paid from the general fund of

and shall designate the district or land and premises upon which the special assessment shall be levied;

Before ordering any public improvements or repairs When to cause of the cost and expense of which is to be defrayed by estimates to be made. assessment, the council shall cause estimates of the expenditure to be procured, and also plats and diagrams, practicable, of the work and of the locality to be improved and deposit the same with the city clerk for public examination, and they shall give notice thereof, and of the public assessment or work and of the districts to be assessed, by publication thereof at least two consecutive weeks in two of the newspapers of the city, and of the time when the council will consider any objections thereto: Provided, however, Proviso. that the aggregate of such special assessment shall not exceed half of one per cent of the equalized valuation of the property to be assessed;

h. The cost or expense of any improvement which is Costs, what to be defrayed out of the general fund of said city shall include include for surveys, plans and estimates for the same;

When any special assessment is made pro rata upon and premises in any special district, according to frontage and benefits, the council shall, by resolution, direct the same to be made by assessors, and shall state therein the amount to be assessed, and whether according to frontage or benefits, and or designate the lot and premises or locality constituting the district to be assessed;

Upon receiving such order and direction, the board of Board to make out roll. shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof, with the names of the persons known, chargeable with the assessment thereon, and by whom thereon and against such persons the amount to be assessed, in the matter directed by the common council and provisions of this act applicable to the assessment, and when such assessment is completed they shall report the same to the council;

th. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such portion of the whole amount to be levied as the length of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless, on account of the shape or size of any lot, an assessment for a greater number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess to each lot such relative portion of the whole sum to be assessed as shall be proportionate to the estimated benefit resulting from the improvement;

h. When any expense shall be incurred by the city Assessments, how reported to council. in respect to any single or separate lot, parcel of land or lots which, by the provisions of this act, the council is directed to charge and collect as special assessment against the same, and not being of that class of special assessments re-

quired to be made pro rata upon several lots or parcels of land in the assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or service, together with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person made chargeable therewith, shall be reported to the common council in such manner as the council may prescribe;

When report-  
ed to board for  
assessment.

Ninth, The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient, they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the board of assessors for assessment;

When board  
to make  
special as-  
sessment roll.

Tenth, Upon receiving the report mentioned in the preceding section the board of assessors shall make a special assessment roll, and levy as a special assessment thereon, upon each lot or parcel of land so reported to them, and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council;

Notice of as-  
sessment to  
be published.

Eleventh, When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered. Before adopting the assessment the council shall cause notice to be published for at least two consecutive weeks, in some newspaper of the city, of the filing of the same with the city clerk and appointing a time when the board of assessors and council will meet to review the assessment. Any person objecting to the assessment may file his objection thereto in writing with the city clerk;

Assessments,  
how reviewed.

Twelfth, At the time appointed for that purpose, as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary and confirm it as reported or as corrected, or they may refer the assessment back to the board for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation;

Confirmation  
to be final.

Thirteenth, When any special assessment shall be confirmed by the council it shall be final and conclusive; but no such assessment shall be confirmed except by the concurrence of two-thirds of all the aldermen elect;

To constitute  
lien.

Fourteenth, All special assessments shall be from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels assessed, and shall be a charge against the person to whom assessed until paid;

Fifteenth, All special assessments shall be due and payable when due upon confirmation, when due;

Sixteenth, Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied;

Seventeenth, No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceedings might have been lawfully assessed thereon;

Eighteenth, Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located a description of such lots and premises as contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report the supervisor shall levy the sum therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the ward tax roll next thereafter, to be made in a column for special assessments, and thereupon the amounts so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll, and in the same manner, and shall continue to be a lien upon the premises assessed until paid; and when collected shall be paid into the city treasury;

Nineteenth, When any special assessment shall be confirmed and be payable as hereinbefore provided, the council, instead of requiring the assessment to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city collector to collect from each of the persons assessed in said roll the amount of

money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and to return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant;

Duty of city collector.

Twentieth, Upon receiving said assessment roll and warrant, the city collector shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment within ten days after the same is due the collector shall seize and levy upon any personal property, within the city or elsewhere within the county, belonging to such person and sell the same at public auction, first giving six days' notice of the time and place of such sale by such notices in three of the most public places in the city or township where such property may be found. The proceeds of that sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per cent upon the amount of the assessment for the costs and expense of said seizure and sale, and the surplus, if any, shall be paid to the persons entitled thereto;

Return of moneys and roll by collector.

Twenty-first, The city collector shall pay the moneys and all the percentage collected by him into the city treasury, and take the treasurer's receipt therefor and file the same with the city clerk. He shall also make return of said assessment roll and warrant to the city clerk, according to the requirements of the warrant; and if any of the assessments in said roll shall be returned unpaid, the collector shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent and a description of the lots and premises upon which the assessments remain unpaid and the amount unpaid on each;

Warrant may be renewed.

Twenty-second, Said warrant may be renewed from time to time by the city clerk if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force and the city collector shall perform the same duties and make the like return as above provided. In case any assessment shall be finally returned by the city collector unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward in the manner provided for in subdivision eighteen of this section, and shall then be reassessed with interest at the rate of ten per cent from the date of confirmation of the assessment until the first day of February next ensuing, in the next ward tax roll, and be collected and paid in all respects as provided in subdivision aforesaid;

In case assessment returned unpaid.

Twenty-third, At any time after a special assessment has become payable and demand made therefor, and ten days have elapsed without payment thereof, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the

common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution concerning the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment and of the right of the city to recover judgment therefor;

Twenty-fourth, If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against such defendant or upon such lot or premises;

Court may render judgment when assessment irregular.

Twenty-fifth, Said collector shall return to the county treasurer at the time of the returning of the State and county taxes for the then ensuing year a statement of all special taxes which may have been assessed for special improvements and then remaining unpaid and due, in the same manner provided by law for township treasurers, and in like manner as other lands may be returned for non-payment of State and county taxes; and said lands shall be subject to redemption and sale in like manner as other lands returned delinquent for the non-payment of State or county taxes under the general provisions of law.

Statement of unpaid special taxes by collector.

SEC. 110. The common council shall have authority to lay down and maintain pavements of any street or streets of said city, and to levy and collect, as hereinafter mentioned by taxation such sums of money as may be necessary to pay the cost of the same, which taxation shall be specific, and have no reference to or be limited by the general taxation otherwise provided for by the charter of said city, and said specific taxation shall be assessed as such times and for such amounts, and only against such real estate as is by this section made chargeable therewith as follows:

Council may levy tax for pavements.

First, When the council shall have determined to lay down and maintain pavements of any street or streets of said city, they shall so declare by resolution, stating what part or proportion of the expense thereof shall be paid by such special assessment, and what part, if any, must be paid from the general fund of the city, and shall designate the district or lands on which the special assessment shall be levied;

Resolution for laying.

Second, Before ordering any pavement to be constructed upon the street or streets of said city, the council shall cause estimate of the expense thereof to be procured, and also plats and diagrams, when practicable, of the locality where such pavement or pavements are to be constructed, and deposit the same with the city clerk for public examination, and they shall give notice thereof by publication thereof at least two consecutive weeks in two of the newspapers of the city, and of the time when the council shall meet and consider any objections thereto: Provided, however, That the aggregate of said special assessment shall not exceed five per cent of the

To cause estimates to be made.

Proviso.

money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and to return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant;

**Buty of city collector.**

Twentieth, Upon receiving said assessment roll and warrant, the city collector shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment within ten days after the same is due the collector shall seize and levy upon any personal property, within the city or elsewhere within the county, belonging to such person and sell the same at public auction, first giving six days' notice of the time and place of such sale by such notices in three of the most public places in the city or township where such property may be found. The proceeds of that sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per cent upon the amount of the assessment for the costs and expense of said seizure and sale, and the surplus, if any, shall be paid to the persons entitled thereto;

**Return of moneys and roll by collector.**

Twenty-first, The city collector shall pay the moneys and all the percentage collected by him into the city treasury, and take the treasurer's receipt therefor and file the same with the city clerk. He shall also make return of said assessment roll and warrant to the city clerk, according to the requirements of the warrant; and if any of the assessments in said roll shall be returned unpaid, the collector shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent and a description of the lots and premises upon which the assessments remain unpaid and the amount unpaid on each;

**Warrant may be renewed.**

Twenty-second, Said warrant may be renewed from time to time by the city clerk if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force and the city collector shall perform the same duties and make the like return as above provided. In case any assessment shall be finally returned by the city collector unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward in the manner provided for in subdivision eighteen of this section, and shall then be reassessed with interest at the rate of ten per cent from the date of confirmation of the assessment until the first day of February next ensuing, in the next ward tax roll, and be collected and paid in all respects as provided in subdivision aforesaid;

**When may be collected by suit.**

Twenty-third, At any time after a special assessment has become payable and demand made therefor, and ten days have elapsed without payment thereof, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the

visor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as contained in said roll with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring the said supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report the supervisors shall levy the sums therein mentioned upon the respective lots and premises to which they are especially assessed and against the persons chargeable therewith as a tax in the ward tax roll next thereafter to be made in a column for special assessments, and thereupon the amount so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury. The city collector shall be authorized by warrant under the hand of the supervisor to enforce the collection of said special assessment in the same manner in every respect as provided in this charter for the enforcement of other city taxes, and the moneys so paid upon said special assessment shall be kept in a special fund to be designated a special assessment fund;

Tenth. At any time after such special assessment has become payable and demand made therefor, and ten days have elapsed without payment thereof, the same may be collected by suit in the name of the city against the person assessed in an action of assumpsit in any court having jurisdiction of the amount. And in every such action, declaration upon the common counts shall be sufficient. The special assessment roll and a certified order of the resolution concerning the same shall be prima facie evidence of the regularity of all the proceedings making the assessment and the right of the city to recover judgment therefor;

Eleventh. If in any such action it shall appear by reason of any irregularity or informality the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may nevertheless upon satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant, or of the lot or premises in question, render judgment for the amount properly chargeable against said defendant or against said lot or premises;

Twelfth. That when any street shall have been once so paved and any parcel of real estate shall have been taxed therefor, such parcel shall thereafter not be liable for any portion of the expense of keeping said pavement in repair, but the expense of keeping said pavement in repair shall be met out of the general fund of said city: Provided, That when any land has been once taxed for the laying down of new pavement of the street or streets upon which it may front, then and thereafter for a new repaving of said street or streets, said land shall be liable to be again taxed to the extent of thirty-five per cent of the cost

*When to be levied.*

*How collected.*

*When may be collected by suit.*

*In case proceedings irregular.*

*Expense of repair, how paid.*

*Proviso as to repavement.*

of such repavement; but when the council shall have determined to pave any street or streets, the expense of establishing and preparing the grade thereof for such paving, and for curb stones between the paved portions of such streets and the sidewalks thereof, and for the paving of crossings of any such street or streets shall be at the general expense of the city;

**Provisions relative to laying of pipes.**

Thirteenth, Whenever any paving has been ordered upon any street in said city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, before the same shall be paved, to put in and lay all such sewer, water and gas connections in front of their lands and premises, and carry the same from the pipe in such street to and beyond the curb line of such proposed pavement as the council shall determine to be necessary for the preservation of such proposed paving, when the same shall be laid and put down, and such connection shall be made, laid and put in in the manner and at the time or times as shall be directed by the council. In case the owner of such lot or lots, lands or premises, shall neglect or refuse to make, lay or put in such connection at the time or in the manner prescribed by the council, then the council shall cause the same to be made, laid or put in, and the respective owners of such lots, lands or premises shall be liable for the cost thereof, together with ten per cent in addition thereto, as a penalty to be recovered by the city in an action of debt or assumpsit, or the cost together with the amount of such penalty for which such persons shall be respectively liable the council shall cause to be reported to the board of special assessors to be levied and assessed by them as a special tax or assessment upon such lot or lots, lands or premises, and to be collected in the manner prescribed by section forty-seven of this act.

This act is ordered to take immediate effect.

Approved May 27, 1903.

[No. 494.]

AN ACT to amend section nineteen of act number three hundred twenty-one of the Local Acts of eighteen hundred ninety-seven, entitled "An act to amend and revise the charter of the city of Adrian."

*The People of the State of Michigan enact:*

**Section amended.**

SECTION 1. Section nineteen of act number three hundred twenty-one of the Local Acts of eighteen hundred ninety-seven, entitled, "An act to amend and revise the charter of the city of Adrian," is hereby amended so as to read as follows:

**Term of certain officers.**

SEC. 19. The mayor, city marshal, street commissioner, supervisors and constables shall hold their offices for the term of one year, and the city clerk and the city treasurer for the

visor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as contained in said roll with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring the said supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report the supervisors shall levy the sums therein mentioned upon the respective lots and premises to which they are especially assessed and against the persons chargeable therewith as a tax in the ward tax roll next thereafter to be made in a column for special assessments, and thereupon the amount so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury. The city collector shall be authorized by warrant under the hand of the supervisor to enforce the collection of said special assessment in the same manner in every respect as provided in this charter for the enforcement of other city taxes, and the moneys so paid upon said special assessment shall be kept in a special fund to be designated a special assessment fund;

*When to be levied.*

*How collected.*

Tenth. At any time after such special assessment has become payable and demand made therefor, and ten days have elapsed without payment thereof, the same may be collected by suit in the name of the city against the person assessed in an action of assumpsit in any court having jurisdiction of the amount. And in every such action, declaration upon the common counts shall be sufficient. The special assessment roll and a certified order of the resolution concerning the same shall be prima facie evidence of the regularity of all the proceedings making the assessment and the right of the city to recover judgment therefor;

*When may be collected by suit.*

Eleventh. If in any such action it shall appear by reason of any irregularity or informality the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may nevertheless upon satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant, or of the lot or premises in question, render judgment for the amount properly chargeable against said defendant or against said lot or premises;

*In case proceedings irregular.*

Twelfth. That when any street shall have been once so paved and any parcel of real estate shall have been taxed therefor, such parcel shall thereafter not be liable for any portion of the expense of keeping said pavement in repair, but the expense of keeping said pavement in repair shall be met out of the general fund of said city: Provided, That when any land has been once taxed for the laying down of new pavement of the street or streets upon which it may front, then and thereafter for a new repaving of said street or streets, said land shall be liable to be again taxed to the extent of thirty-five per cent of the cost

*Expense of repair, how paid.*

*Proviso as to repavement.*

of such repavement; but when the council shall have determined to pave any street or streets, the expense of establishing and preparing the grade thereof for such paving, and for curb stones between the paved portions of such streets and the sidewalks thereof, and for the paving of crossings of any such street or streets shall be at the general expense of the city;

Provisions  
relative to  
laying of  
pipes.

Thirteenth. Whenever any paving has been ordered upon any street in said city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, before the same shall be paved, to put in and lay all such sewer, water and gas connections in front of their lands and premises, and carry the same from the pipe in such street to and beyond the curb line of such proposed pavement as the council shall determine to be necessary for the preservation of such proposed paving, when the same shall be laid and put down, and such connection shall be made, laid and put in in the manner and at the time or times as shall be directed by the council. In case the owner of such lot or lots, lands or premises, shall neglect or refuse to make, lay or put in such connection at the time or in the manner prescribed by the council, then the council shall cause the same to be made, laid or put in, and the respective owners of such lots, lands or premises shall be liable for the cost thereof, together with ten per cent in addition thereto, as a penalty to be recovered by the city in an action of debt or assumpsit, or the cost together with the amount of such penalty for which such persons shall be respectively liable the council shall cause to be reported to the board of special assessors to be levied and assessed by them as a special tax or assessment upon such lot or lots, lands or premises, and to be collected in the manner prescribed by section forty-seven of this act.

This act is ordered to take immediate effect.

Approved May 27, 1903.

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[No. 494.]

AN ACT to amend section nineteen of act number three hundred twenty-one of the Local Acts of eighteen hundred ninety-seven, entitled "An act to amend and revise the charter of the city of Adrian."

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section nineteen of act number three hundred twenty-one of the Local Acts of eighteen hundred ninety-seven, entitled, "An act to amend and revise the charter of the city of Adrian," is hereby amended so as to read as follows:

Term of cer-  
tain officers.

SEC. 19. The mayor, city marshal, street commissioner, supervisors and constables shall hold their offices for the term of one year, and the city clerk and the city treasurer for the

term of two years from the second Monday in April of the year when elected and until their successors are elected and qualified and enter upon the duties of their office. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election.

Approved May 27, 1903.

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[No. 495.]

AN ACT relative to applications for the locating and establishing of drains within the county of Saginaw.

*The People of the State of Michigan enact:*

SECTION 1. Before the drain commissioner in the county of Saginaw shall take any action relative to the locating or establishing any drain in said county there shall be filed with him an application signed by not less than one-third of the freeholders of the lands to be drained thereby, and to be assessed therefor. Such application, so signed as above, shall give a general description of the beginning, the route and terminus of the drain. In case any county commissioner shall directly or indirectly interest himself in the securing of signatures to an application for any drain he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed fifty dollars or by imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment in the discretion of the court, and his office shall be deemed vacant. The applicants for any drain shall be jointly and severally liable for all costs and expenses in case the county drain commissioner upon examination of the route and determination of the survey shall find that such drain is either unnecessary or impracticable, or in case the proceedings shall be dismissed for any other cause. If any person signing such application shall refuse to pay such costs and expenses, the county drain commissioner shall bring suit in a court of competent jurisdiction and collect such costs and expenses and costs of suit. If upon the presentation of such application the county drain commissioner shall deem the financial responsibility of the applicants to be insufficient, he shall have the right to return such application for additional signatures.

Application to  
be filed with  
drain commis-  
sioner before  
establishment  
of drain.

This act is ordered to take immediate effect.

Approved May 27, 1903.

## [No. 496.]

AN ACT to detach township eighteen north of range three east, the township of Gibson, from the county of Bay and to attach the said township to the county of Arenac.

*The People of the State of Michigan enact:*

Township transferred.

SECTION 1. Township eighteen north of range three east, the township of Gibson, is hereby detached from the county of Bay and attached to the county of Arenac.

To retain organization.

SEC. 2. The said township shall retain its present township organization and its several officers for the terms for which they were elected.

Duty of register of deeds.

SEC. 3. The register of deeds of the said county of Arenac shall make transcripts of all records in Bay county necessary to appear upon the records of Arenac county, by reason of the attaching of said township to Arenac county, which records, so transcribed, shall have the same effect in all respects as original records, and the said register of deeds shall be paid for transcribing the same such sum as the board of supervisors of said county may deem just and reasonable.

To remain in same political districts.

SEC. 4. The said township of Gibson shall remain in the second representative district of Bay county and shall also remain in the twenty-fourth senatorial district. The returns for representative in the State legislature for the second representative district of Bay county and for State senator in the twenty-fourth senatorial district from said township of Gibson, shall be made to the county clerk of Bay county and shall be forwarded by the board of township inspectors of election on the day prescribed by law for the meeting of county canvassers, until the next apportionment is made for members of the legislature.

This act is ordered to take immediate effect.

Approved May 27, 1903.

## [No. 497.]

AN ACT to incorporate the city of Standish, in the county of Arenac, as a city of the fourth class, and to repeal all acts or parts of acts relative to the incorporation of the village of Standish.

*The People of the State of Michigan enact:*

Territory to contain.

SECTION 1. The territory in the county of Arenac and State of Michigan described as follows, to wit: The south half of section two, the east half of the southeast quarter of section three, the east half of the northeast quarter of section ten, and the north half of section eleven, all in township eighteen, north

SEC. 12. All acts or parts of acts relative to the incorporation of the village of Standish are hereby repealed. Acts repealed.

This act is ordered to take effect March first, nineteen hundred four.

Approved May 28, 1903.

[No. 498.]

AN ACT to repeal act number four hundred thirty-eight of the Local Acts of nineteen hundred one, entitled "An act to amend sections five, eight, ten and fifteen of act number three hundred six of the Local Acts of eighteen hundred ninety-three, entitled 'An act relative to justices' courts in the city of Grand Rapids, to reduce the number thereof, and to fix the compensation of such justices, and to provide a clerk and officers thereof,' approved March twenty-second, eighteen hundred ninety-three, as amended;" and to amend sections four, seven, nine and fourteen of act number three hundred twenty-seven of the Local Acts of eighteen hundred ninety-seven, the same being an act, entitled "An act to amend sections one, two, three, four, five, six, seven, eight, nine, ten and twelve of act number three hundred six of the Local Acts of eighteen hundred ninety-three, entitled 'An act relative to justices' courts in the city of Grand Rapids, to reduce the number thereof, and to fix the compensation of such justices, and provide a clerk and officers therefor,' approved March twenty-second, eighteen hundred ninety-three, as amended and to add ten new sections thereto to stand as sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three."

*The People of the State of Michigan enact:*

SECTION 1. Act number four hundred thirty-eight of the Local Acts of nineteen hundred one, being an act entitled "An act to amend sections five, eight, ten and fifteen of act number three hundred six of the Local Acts of eighteen hundred ninety-three, entitled 'An act relative to justices' courts in the city of Grand Rapids, to reduce the number thereof, and to fix the compensation of such justices, and to provide a clerk and officers thereof,' approved March twenty-second, eighteen hundred ninety-three as amended," is hereby repealed; and sections four, seven, nine and fourteen of act number three hundred twenty-seven of the Local Acts of eighteen hundred ninety-seven, the same being an act, entitled "An act to amend sections one, two, three, four, five, six, seven, eight, nine, ten and twelve of act number three hundred six of the Local Acts of eighteen hundred ninety-three, entitled 'An act relative to justices' courts in the city of Grand Rapids to reduce the num- Act amended.

Acts of eighteen hundred eighty-three, entitled, "An act to provide for the adjustment of rights and liabilities on division of cities and townships."

Incorporation  
not to affect  
school dis-  
trict.

SEC. 8. The incorporation of said city of Standish shall in no way change or affect the boundaries of school district number one of the township of Lincoln, but the same shall continue to be a graded school district, and no change shall be made in the manner or time of electing its district officers, or in the management or control of said district, except that the taxes voted for school purposes in said district shall be apportioned at or before the time of meeting of the board of supervisors of Arenac county in annual session, in October in each year, by the supervisor of the said city of Standish and the supervisor of the said township of Lincoln.

Election,  
powers, etc.,  
of supervisor  
at large.

SEC. 9. The city of Standish shall comprise a single assessment district and assessments of property and spreading of taxes shall be made thereon by a city supervisor at large, who shall be elected at the regular city election, excepting that the first supervisor shall be elected as herein provided at the first election held in said city. The said supervisor shall hold his office for one year and until his successor is elected and qualified, and shall be a member of the board of supervisors of said county of Arenac, and as a member of such board he shall be entitled to receive the same compensation as other supervisors for attendance on said board, and he shall have all the rights, privileges and powers of the other members of said board of supervisors, and no other supervisors shall be elected in said city.

Not necessary  
to create  
board of  
public works.

SEC. 10. It shall not be necessary for the city of Standish to create and constitute a board of public works as provided in chapter twenty-eight of act number two hundred fifteen of the Public Acts of eighteen hundred ninety-five and the amendments thereto, unless the council of said city shall so determine by a two-thirds vote of all the aldermen elect. Until such board of public works is established, all the duties of said board of public works shall be performed by the council of said city. Whenever the council of said city shall, by a two-thirds vote of all the aldermen elect, determine to create and constitute a board of public works, the provisions of said chapter twenty-eight of act number two hundred fifteen of the Public Acts of eighteen hundred ninety-five and the amendments thereto, shall be in full force and effect in said city.

Certain act to  
remain in  
effect.

SEC. 11. House enrolled act number twenty-four, entitled, "An act to authorize the village of Standish in the county of Arenac and State of Michigan to borrow money and issue its bonds therefor, with which to purchase or construct a water-works plant, an electric light plant, and to construct a system of public sewers for said village," approved February twenty-sixth, nineteen hundred three, shall remain in full force and effect, and the said city of Standish shall have the right to proceed under its provisions and do all things thereunder, that the said village of Standish might have done.

SEC. 9. If any party to a cause before either of said justices shall demand a trial by jury, he shall pay the fees therefor in advance, and the sum shall be disposed of by the clerk in the manner now provided by law; and the moneys paid for jurors shall be taxed as costs in favor of the party paying the same, if he be the prevailing party in the suit, in addition to such other costs as he may be entitled to recover. And in addition to all other costs there may be, in the discretion of the justice trying said cause, with or without a jury, taxed as an attorney fee in favor of the prevailing party, not exceeding the sum of five dollars.

SEC. 14. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Kent, and shall have in addition to the duties conferred by this act on them, the same jurisdiction, powers and duties conferred on justices of the peace in townships, and that in all civil causes the said justices of the peace shall have concurrent jurisdiction to the amount of five hundred dollars.

This act is ordered to take immediate effect.

Approved May 28, 1903.

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[No 499.]

**AN ACT to incorporate the city of Omer in the county of Arenac.**

*The People of the State of Michigan enact:*

SECTION 1. Section fifteen and the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of section ten, all in township nineteen, north of range five east, shall be detached from the township of Arenac and the territory so detached is hereby incorporated and made and constituted into a city to be known as the city of Omer.

SEC. 2. The said city shall be divided into three wards as follows: The first ward shall embrace all that portion of the city lying west of Rifle river; the second ward shall embrace all that portion of the territory in said city lying south of Bridge and Center streets on the east side of the Rifle river; and the third ward shall embrace all that part of said city lying east of the Rifle river and north of Bridge and Center streets.

SEC. 3. The said city of Omer shall, except as herein otherwise provided, be governed and its powers and duties defined and limited by an act entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the Public Acts of eighteen hundred ninety-five, approved May twenty-seventh, eighteen hundred ninety-five, and all acts amendatory thereof, which said act, as

ber thereof, and to fix the compensation of such justices, and to provide a clerk and officers therefor,' approved March twenty-second, eighteen hundred ninety-three, as amended, and to add ten new sections thereto to stand as sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three," are hereby amended to read as follows:

**Salary of  
justices.**

SEC. 4. Each of the justices of the peace of the city of Grand Rapids shall receive from the treasury of the city an annual salary of thirteen hundred dollars, which salary shall be in lieu of all fees, costs and charges to which said justices would be entitled but for the provisions of this act, except fees for the performance of marriage ceremonies, for taking acknowledgments, and for administering oaths in matters not connected with suits or proceedings in justices' courts in said city; such salary shall be paid to said justices in monthly installments, as other officers of said city are paid. Each of said justices shall be in attendance at his office on all days, except Sundays and legal holidays, from the hour of nine o'clock in the forenoon until noon, and from the hour of two o'clock until five o'clock in the afternoon.

**Entry fee to  
be paid before  
commencing  
suits.**

SEC. 7. Before any civil action or proceeding, except proceedings against the garnishee defendant, shall be commenced in any of said justices' courts, there shall be paid to the clerk of said courts by the party commencing the same, an entry fee of one dollar, and before the trial of any such action or proceedings shall be commenced, such parties shall pay a judgment fee of one dollar; but in case of non-suit before the commencement of trial, no judgment fee shall be required. Proceedings in garnishment shall be treated as part of the principal cause, and no additional fees shall be required therein, except when an issue of fact shall be joined in respect to the liability of a garnishee or garnishees; in such cases a judgment fee of one dollar shall be paid before such trial shall commence. The fees provided for in this section shall be in full for all services and proceedings by and before said justices, to and including the issuing of execution upon judgment therein, and shall be taxed in favor of the party paying the same if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution, or for the purpose of staying proceedings, or removing causes to an appellate court, there shall be paid to the said clerk the fees provided by law: Provided, That in all causes where the cause of action is for personal work and labor of the plaintiff or any member of his or her family, upon filing with the clerk of said justice court an affidavit showing that such claim or cause of action is brought for such personal work and labor as aforesaid, such action shall, within the discretion of the court, be commenced and prosecuted to judgment without the payment of any entry fee or judgment fee, as herein required in other causes, but that the costs shall accrue in such cause of action, including the entry and judgment fee, as in other causes shall be taxed in favor of the prevailing party.

**Proviso as to  
actions  
brought for  
labor.**

of supervisors of Arenac county in annual session in October in each year, by the supervisor of the township of Arenac and the supervisor of the city of Omer.

SEC. 9. The city of Omer shall comprise a single assessment district and assessments of property and spreading of taxes shall be made therein by a city supervisor at large, who shall be a member of the board of supervisors of the county of Arenac, and be elected at the regular city election, and no other supervisor shall be elected in said city, and who shall hold his office for a term of one year or until his successor is elected and qualifies, excepting for the first supervisor, who shall be elected as herein provided at the first election held in said city.

This act is ordered to take effect March first nineteen hundred four.

Approved May 28, 1903.

Election,  
duties, etc., of  
supervisor at  
large.

[No. 500.]

AN ACT to organize a school district in the township of Hawes, in the county of Alcona, and State of Michigan, to be known and designated as school district number one of Hawes township, out of certain territory to be detached from the union school district of the township of Hawes, in the county of Alcona, State of Michigan.

*The People of the State of Michigan enact:*

SECTION 1. That the following described territory, to wit: Territory to contain. The south half of section thirteen, sections fourteen, fifteen, sixteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, thirty-three and west half of section thirty-four in township twenty-seven north of range eight east, in said Hawes township, said Alcona county and State of Michigan, be detached from the said union school district in said township of Hawes in said Alcona county and State of Michigan, and that the whole of the territory so detached as aforesaid, be and the same is hereby formed, organized and incorporated into a school district, with all the rights, powers, privileges and liabilities of school districts formed and organized under the general laws of this State, to be known and designated as school district number one of the township of Hawes in the county of Alcona and State of Michigan.

SEC. 2. The first meeting of said district number one of Hawes township may be called by any three taxable inhabitants thereof, notice in writing of the time and place of holding said meeting having been previously posted in three public places in the territory comprising said district, at least five days before the time designated therein for said meeting, signed by the inhabitants calling the same, at which meeting First meeting,  
when and  
where held.

there shall be elected a moderator, director and assessor of said district, who shall respectively hold their offices until the annual meeting of said district to be held the first Monday of September, A. D. nineteen hundred and three, when their successors shall be elected.

District to  
succeed to  
certain rights,  
etc.

SEC. 3. Said district number one of Hawes township shall succeed to all the rights, property and effects within the territory organized into said district number one of Hawes township, and to any delinquent school taxes which may have heretofore been assessed and now remaining uncollected, upon any real or personal property situated within the territory organized into said district number one of Hawes township and to one-half of all delinquent school taxes which may have heretofore been assessed, and remaining uncollected, upon any real and personal property situated within the territory remaining of the said union school district of the township of Hawes, after the passage of this act.

Subject to  
certain act.

SEC. 4. Except as herein otherwise provided, said school district and its officers shall be subject to the provisions of chapter one hundred and sixteen of the Compiled Laws of eighteen hundred and ninety-seven of the State of Michigan, relating to public instruction and primary schools, and acts amendatory thereof.

This act is ordered to take immediate effect.

Approved May 28, 1903.

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[No. 501.]

AN ACT to incorporate the village of Fairview in the township of Grosse Pointe, Wayne county.

*The People of the State of Michigan enact:*

Territory to  
contain.

SECTION 1. All that territory situate and being in the township of Grosse Pointe in the county of Wayne and State of Michigan and described as follows, to wit: Beginning at a point in the easterly line of the city of Detroit, being also the westerly line of the township of Grosse Pointe, said point being five hundred feet distant southerly from the intersection of said easterly line of said city of Detroit with the southerly line of the Mack road; thence northeasterly in a direct line to a point in the westerly line of the village of Grosse Pointe, said point being five hundred feet distant southerly from the intersection of the southerly line of Mack road with the said westerly line of said village of Grosse Pointe; thence southeasterly along the said westerly line of said village of Grosse Pointe to the margin of Lake St. Clair; thence southwesterly and westerly respectively along the margins of Lake St. Clair and the Detroit river to the westerly line of the township of Grosse Pointe afore

said, also the easterly line of the city of Detroit; thence north-westerly along said westerly line of said township to the place of beginning, is hereby incorporated as the village of Fairview.

SEC. 2. The first election of officers of said village of Fairview shall be held on Monday, June first, A. D. nineteen hundred three, at the residence of Peter Defer, situated on the northwest corner of Jefferson avenue and the St. Jean road, so called, in said portion of said township incorporated as such village as aforesaid, and notice of such election shall be given by posting notices at four public places within said territory so incorporated as a village at least ten days before the holding of such election. Such notice shall be signed by a majority of the board of election inspectors hereinafter designated.

SEC. 3. Daniel J. Campau, Louis Claeys, Matthew A. Kramer, Charles Paye and Thomas W. Corby are hereby constituted a board of election inspectors and election commissioners for such first election to be held in such village and also a board of registration for the purpose of registering the names of voters for the first election to be held in such village, and said board of registration are hereby required to meet at said residence of Peter Defer the Saturday next preceding said June first, nineteen hundred three. All proceedings in respect to said registration and election shall be carried on in the manner provided by the laws of this State with reference to registration and election in villages.

SEC. 4. If for any reason the first election provided for as aforesaid shall not be held at the time and place specified for holding the same, it shall be lawful to hold the same at any time and place thereafter by giving at least ten days' notice of the time and place of holding such meeting by posting notices thereof in four public places in said township, within the limits of said village, which shall be signed in the manner above provided.

SEC. 5. If for any reason all or any of the inspectors hereby appointed shall neglect or be unable to attend said first election at the time specified, it shall be lawful for the voters of said township, who shall be present at the time and place designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of those inspectors who shall neglect or be unable to attend said election.

SEC. 6. The said village of Fairview shall in all things not herein otherwise provided be governed by an act entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February twentieth, eighteen hundred ninety-five, and all acts amendatory thereto.

SEC. 7. All that portion of the funds now in the hands of the township officers of said township of Grosse Pointe, which were raised by the sale of bonds of said township, in pursuance of "An act to authorize the township of Grosse Pointe, Wayne county, to grade, pave, plank, gravel, macadamize, curb and

First election, when held.

Who to be election inspectors.

When may hold first election.

When electors may choose inspectors.

Village how governed.

When certain funds to be paid to treasurer.

otherwise improve the highways known as Jefferson avenue and Mack avenue in said township, and to provide the necessary funds therefor," approved February twenty-sixth, nineteen hundred one, which were designated for the improvement of Jefferson avenue between the easterly city limits of the city of Detroit and the Cadieux road, so called, according to the estimate made therefor by Thomas Campau & Son, engineers and surveyors, in connection with the proceedings to issue said bonds in pursuance of said act, together with all accretions thereon by way of interest and premium upon the sale of said bonds shall be paid over by the officers of the township of Grosse Pointe, aforesaid, having the same in charge, to the village treasurer, as soon as he is elected and qualified, and said funds shall be used for the purpose of improving said Jefferson avenue between the easterly city limits of the city of Detroit and the Cadieux road, so called, such improvement to be made by and under the direction of the village council of said village, in accordance with the law of this State relative to the control and improvement of public highways in villages.

This act is ordered to take immediate effect.

Approved May 28, 1903.

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[No. 502.]

AN ACT to provide for the nomination of candidates for election by popular vote and relating to primary elections in Muskegon county, and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

Primaries  
when held.

SECTION 1. On the eighth Tuesday preceding any election at which members of the State legislature or officers of the county of Muskegon are to be elected, a primary election shall be held in the several townships of said county and wards of the cities of Muskegon, North Muskegon and Muskegon Heights, and at said primary elections the candidates for all the elective county officers, representatives in the State legislature and all other elective officers (excepting circuit judges, senators in the State legislature, members of the school boards, and all township officers) who are to be voted for at the ensuing election shall be chosen by popular vote as hereinafter provided.

On the third Tuesday preceding any charter or special election, a primary election shall be held for the nomination, by direct vote of the people, of all elective officers for the cities of Muskegon and Muskegon Heights, except the elective members of the school boards of said cities.

said, also the easterly line of the city of Detroit; thence northwesterly along said westerly line of said township to the place of beginning, is hereby incorporated as the village of Fairview.

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First election,  
when held.

SEC. 3. Daniel J. Campau, Louis Claeys, Matthew A. Kramer, Charles Paye and Thomas W. Corby are hereby constituted a board of election inspectors and election commissioners for such first election to be held in such village and also a board of registration for the purpose of registering the names of voters for the first election to be held in such village, and said board of registration are hereby required to meet at said residence of Peter Defer the Saturday next preceding said June first, nineteen hundred three. All proceedings in respect to said registration and election shall be carried on in the manner provided by the laws of this State with reference to registration and election in villages.

Who to be  
election  
inspectors.

SEC. 4. If for any reason the first election provided for as aforesaid shall not be held at the time and place specified for holding the same, it shall be lawful to hold the same at any time and place thereafter by giving at least ten days' notice of the time and place of holding such meeting by posting notices thereof in four public places in said township, within the limits of said village, which shall be signed in the manner above provided.

When may  
hold first  
election.

SEC. 5. If for any reason all or any of the inspectors hereby appointed shall neglect or be unable to attend said first election at the time specified, it shall be lawful for the voters of said township, who shall be present at the time and place designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of those inspectors who shall neglect or be unable to attend said election.

When electors  
may choose  
inspectors.

SEC. 6. The said village of Fairview shall in all things not herein otherwise provided be governed by an act entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February twentieth, eighteen hundred ninety-five, and all acts amendatory thereto.

Village how  
governed.

SEC. 7. All that portion of the funds now in the hands of the township officers of said township of Grosse Pointe, which were raised by the sale of bonds of said township, in pursuance of "An act to authorize the township of Grosse Pointe, Wayne county, to grade, pave, plank, gravel, macadamize, curb and

When certain  
funds to be  
paid to  
treasurer.

otherwise improve the highways known as Jefferson avenue and Mack avenue in said township, and to provide the necessary funds therefor," approved February twenty-sixth, nineteen hundred one, which were designated for the improvement of Jefferson avenue between the easterly city limits of the city of Detroit and the Cadieux road, so called, according to the estimate made therefor by Thomas Campau & Son, engineers and surveyors, in connection with the proceedings to issue said bonds in pursuance of said act, together with all accretions thereon by way of interest and premium upon the sale of said bonds shall be paid over by the officers of the township of Grosse Pointe, aforesaid, having the same in charge, to the village treasurer, as soon as he is elected and qualified, and said funds shall be used for the purpose of improving said Jefferson avenue between the easterly city limits of the city of Detroit and the Cadieux road, so called, such improvement to be made by and under the direction of the village council of said village, in accordance with the law of this State relative to the control and improvement of public highways in villages.

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AN ACT to provide for the nomination of candidates for election by popular vote and relating to primary elections in Muskegon county, and to repeal all acts and parts of acts inconsistent herewith.

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**Primaries  
when held.**

SECTION 1. On the eighth Tuesday preceding any election at which members of the State legislature or officers of the county of Muskegon are to be elected, a primary election shall be held in the several townships of said county and wards of the cities of Muskegon, North Muskegon and Muskegon Heights, and at said primary elections the candidates for all the elective county officers, representatives in the State legislature and all other elective officers (excepting circuit judges, senators in the State legislature, members of the school boards, and all township officers) who are to be voted for at the ensuing election shall be chosen by popular vote as hereinafter provided.

On the third Tuesday preceding any charter or special election, a primary election shall be held for the nomination, by direct vote of the people, of all elective officers for the cities of Muskegon and Muskegon Heights, except the elective members of the school boards of said cities.

**SEC. 2.** The primary elections of all political parties shall be held at the same time and place and in the manner provided for in this act (and not otherwise), and the person or persons who receive on each party ballot the greatest number of votes for the nomination of any office he seeks, shall be the candidate of his party for that office or position at the next ensuing election. The judges of primary election provided for in this act shall be appointed, designated and compensated as are inspectors of general elections in said county or cities.

**SEC. 3.** At least ten days and until five o'clock in the afternoon of the tenth day before the primary election day, any person or persons, who desire to become a candidate for any office and shall be eligible therefor, shall appear personally or by his representative, duly authorized in writing, before the city clerk, if a candidate for a city office, and before the county clerk, if a candidate for representative in the State legislature or county office in said county, and shall then and there subscribe to and make affidavit that it is bona fide the intention of such person to run for the nomination for such office as he may specify, and shall then and there pay to said county clerk or said city clerk, as the case may be, the sum of fifteen dollars, except candidates for the legislature and all ward officers and supervisors for the cities of Muskegon and Muskegon Heights who shall pay to the county clerk or city clerk, the sum of five dollars each, a receipt for which shall be given them.

The county clerk, or the city clerk, as the case may be, shall then place or cause to be placed the name of said person or persons upon the primary election ballot of the designated party as hereinafter provided. The said county or city clerk shall number each petition in numerical order as received. All fees paid to the city clerk under the provisions of this act, shall be by him paid into the city treasury, on or before the last day for filing their declaration to be candidates for nomination, and all fees paid to the county clerk shall be by him paid into the county treasury on or before the last day for filing their declaration aforesaid. The affidavit heretofore provided for may be substantially in the following form:

"I, ..... , being duly sworn, say that I reside in the city or township of ..... , county of Muskegon, State of Michigan, and am a qualified voter therein, and a ..... (name of party). That I am a candidate for nomination to the office of ..... to be made at the primary of said party, to be held in ..... hereby request my name to be printed upon the official primary ballot as provided by law, as the candidate for the ..... party.

.....  
Subscribed and sworn to before me this ..... day  
of ..... 190...  
"....."

**SEC. 4.** The method of voting on said primary election shall be by ballot, and all ballots voted shall be printed and pre-

To all be held at same time.  
Who to be candidate.

Candidates to file affidavits.

Amount of fee to pay.

Who to place name on ballot.

Form of affidavit.

Voting to be by ballot.

**Who to prepare.**

pared as herein mentioned. On the tenth day before any primary election, the county clerk or the city clerk, as the case may be, shall group all the candidates for each political party by themselves and shall at once prepare in writing separate ballots for each political party, which ballots shall be posted in some conspicuous place in his office for the purpose of inspection, and he shall then proceed to have printed separate ballots for each political party, which ballots shall be prepared and printed in the following manner:

**Form of ballots.**

Each party ticket shall be printed in black ink on white paper, and all ballots used at any election shall be uniform in color and size. Across the head of each ticket shall be printed in plain black type, the name of the political party and the words "Primary Election Ballot." On the next line and in smaller type shall be printed the words, "list of candidates for nomination to be voted for in the ward or township (naming the ward or township) (naming the ward that said ballot is intended for), following by "city of Muskegon" or "city of Muskegon Heights" or "county of Muskegon" as the case may be. The balance of the ticket is to be made up under the head, in two columns, with a design of parallel or filigree rule, one inch wide, to separate the columns. At the top (and at the top of each column, if the ticket shall be made up in two columns) shall appear the words "To vote for a person mark (X) in the square at the left of the name of the person for whom you desire to vote." This sentence shall be inclosed in a rule the same as the names of each candidate, and at its end shall be a square directly over the squares in which marks are to be made. In that square there shall be a black cross to show the voter how to mark the ballot. Beginning at the top of the left hand column, at the left of the line in black type, shall appear the position for which the names following are candidates. Following this shall come the names of each candidate for the position enclosed in light face rule with a square to the extreme left. The parallel rules containing the name to be one-sixth of an inch apart. Each position, with the names running for that position, shall be separated from the following one by a black face rule, to separate each position clearly. The positions shall be arranged as follows: Provided, Nominees for such positions are to be selected in said county or city under the provisions of this act: Judiciary; next, legislative; next, county officers; next, city and ward officers.

**Proviso.****Names, how printed on ballots.**

SEC. 5. The name of each candidate for each office shall be printed on the ballot and the position shall be changed on the ballot after each hundred ballots have been printed. The printer shall take the line of type at the head of each office division and place it at the bottom of that division shoving up the column so that the name that was second before the change will be first after the change. The ballots of each political party shall be alike. They shall be kept in separate piles, one pile for each change of position, and then shall be piled by taking one from each pile, and placing it upon the pile to be cut, the intention being that every ballot in the pile shall have a

different position as near as may be. After the pile is made in this manner they may be cut and placed in piles as provided by the general election laws.

There shall be no printing on the backs of the ballots or any marks to distinguish them but the initials of the chairman of the board of inspectors.

SEC. 6. It shall be the duty of the city clerk of Muskegon, the city clerk of the city of Muskegon Heights, and the county clerk of the said county of Muskegon, as the case may be, to provide and prepare a sufficient number of ballots to be used at such primary elections; at least three ballots to every two electors of each party according to the vote at the last preceding general election. A proof copy of the ballot shall be placed on file at the office of the said city clerk of the city of Muskegon, city clerk of the city of Muskegon Heights or the county clerk of the said county, as the case may be, to be opened for the inspection of candidates named thereon, at least five days prior to said primary election. The ballots shall be delivered by the said several city clerks, or the county clerk of the said county to the several chairmen of the several boards of inspectors in the several wards or voting precincts of said cities, and the said township and election districts of said county in the manner provided by the general election laws of the State of Michigan for the delivery of ballots.

Number of  
ballots, who  
to prepare.

SEC. 7. It shall be unlawful for the printer of such ballots or any other person to give or deliver to any one, or knowingly permit any of said ballots to be taken by any person other than the city clerk and said county clerk, for whom such ballots are being printed, or print, or cause, or permit to be printed any primary election ballot in any other form, than the one prescribed by this act, or with any other names thereon, or with names misspelled, or the names arranged in any other way than that authorized and directed by said county clerk, or said city clerk as the case may be.

Unlawful to  
print extra  
ballots.

SEC. 8. A primary election shall be held in each voting precinct in said cities and county and at the place designated by the officers whose duty it is to designate the places for holding elections. At least ten days prior to the time herein set for the holding of such primary elections, the city marshal, if a city election, and the sheriff of Muskegon county, if a county or legislative election, shall give notice of the holding of such election, which notice shall be in writing, and delivered to the township clerk of each township, and to the several chairmen of the several boards of primary election inspectors in said cities.

Pri naries,  
where held.

Who to give  
notice of.

The notice required by the general election law, or provided by the charters of the several cities of Muskegon and Muskegon Heights, as the case may be, for the registration of electors, shall be required and given with reference to all primary elections. Said notice shall also designate the offices for which candidates are to be chosen.

Notice of  
registration.

SEC. 9. The several boards of primary election inspectors to manage and conduct such elections, in the various voting Inspectors,  
how appoint-  
ed.

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Of whom to consist.	precincts in said cities, shall be appointed in the same manner as inspectors of election are now chosen, and whose duties shall be the same as now chosen, and whose duties shall be the same as those imposed on inspectors of election under the general election law of this State; but the majority of each board shall be chosen from the political party which cast the highest number of votes at the last preceding general election. The said board of inspectors in each of the said voting precincts of the said cities and county, shall consist of three members of whom the first appointed shall be chairman, and they shall hold office for the term of two years next following their appointment, and until their successors are appointed, and they shall receive three dollars for their services at such primary election to be paid from the same fund and in the same way as in general elections.
Vacancies, how filled.	In case one or more of the persons so appointed shall, from any cause, fail to appear at the time and place specified for the holding of said primary election, his or their places shall be filled on said board from among the electors at the opening of the polls, in the manner prescribed in the general election law of the State. In case one or more of the persons so appointed shall, from any cause, fail to appear at the time and place specified for the holding of said primary election, his or their places shall be filled on said board from among the electors at the opening of the polls, in the manner prescribed in the general election law of the State. The said board shall have the power to appoint from the electors present at said polls, two clerks whose duties shall be the same as those prescribed by the general election law of the State. Said clerks shall receive three dollars for their services.
Board may appoint clerks.	The said board shall have the power to appoint from the electors present at said polls, two clerks whose duties shall be the same as those prescribed by the general election law of the State. Said clerks shall receive three dollars for their services.
Sections of election law applied.	SEC. 10. The following sections of the general election law, relating to the arrangements of polling places, the ballot boxes, booths, inspectors and clerks, are hereby made applicable to primary elections held under this act, to wit: Sections three thousand six hundred thirty-two and three thousand six hundred seventeen of the Compiled Laws of one thousand eight hundred ninety-seven.
Polls, when open.	SEC. 11. The polls in the several voting precincts on the primary election day shall be kept open for the purpose of voting, from twelve o'clock noon until eight o'clock in the evening: Provided, That in the townships the polls shall be closed at six o'clock p. m.
Proviso.	
Voters to be registered.	SEC. 12. All persons entitled to vote in any precinct at the next ensuing election shall be entitled to vote in that precinct in the primary elections. No voter shall receive a primary election ballot, or be allowed to vote, until he is first duly registered as a voter in the manner provided by law, and it shall be the duty of inspectors of primary elections to examine the books of registration and know that each voter is duly registered and entitled to vote before his ballot shall be received.
To receive but one ballot.	An elector offering to vote shall receive the ticket or ballot of but one political party. It shall be incumbent upon him to state to the inspector of election, having in charge the handling of ballots to electors, the ticket he desires, such as, "the republican," "the democratic" or the ticket of any party he may name. If his right to vote that ticket is not challenged he shall be entitled to receive that ticket forthwith. It shall be competent for any elector or inspector of primary election present, to challenge the right of any one offering to vote on
Relative to challenging.	

the ground that he is not a legal voter in that precinct or that he is generally known to belong to a political party opposed to the party whose ticket he has asked for. When the right of any voter to cast a ballot is challenged he shall be required to make oath that he will be entitled to vote in that precinct at the next ensuing election and that he is in sympathy with the political party whose ticket he proposes to vote. Such oath Form of oath. or affidavit shall be in the following form: "I ..... do hereby solemnly swear that I am a resident and voter in the township of ..... or ..... precinct of ..... ward of the city of ..... or will be at the next ensuing election, that I am in sympathy with the principles of the ..... party and expect to vote the ticket of that party at the next ensuing election."

The inspectors of primary elections, in their discretion, may require a voter challenged, to subscribe to the above oath or affidavit. Printed copies of it for that purpose shall be furnished in sufficient number as primary election tickets and tally sheets are furnished. When a challenge is decided in favor of a voter he shall then receive the ballot asked for and be entitled to the privilege of voting, the same as though his right had not been challenged. When any voter shall be challenged, the inspector receiving the tendered vote shall place a number on the back of the ballot. The same number shall be set opposite the person's name offering said challenged vote by the clerk of said primary election. The numbers are not to be divulged to any person or persons whomsoever, unless there shall be a contest or a recount of the legality of primary election, or ordered to do so by a court of competent jurisdiction. The first challenged vote shall be numbered one and then each challenged ballot shall be in numerical order as the challenges are made.

When ballot  
to be num-  
bered.

SEC. 13. When an elector has received his ballot, he shall forthwith retire to an unoccupied booth, and without delay mark the ballot as he sees fit, with the pencil to be found in such booth. If he soils or defaces said ballot he shall at once return the same, and get a new ballot. In marking his ballot he shall observe the following rules: The elector shall designate his choice on his ballot by marking a cross (X) in each of the small squares opposite the name of the candidate for whom he desires to vote, being careful not to vote for more candidates for office than are to be elected thereto at the election to follow the primary election, as indicated on the ballot at the left of each office for which candidates are to be selected. The provisions of section three thousand seven hundred fifty-one of the Compiled Laws of eighteen hundred ninety-seven are hereby made applicable to this act.

Ballots, how  
marked, etc.

SEC. 14. When an elector has prepared his ballot he shall fold it with the edge upon which are the initials of the chairman uppermost, and so fold it as to conceal the face thereof, and all marks thereon, and shall hand the same to the inspector of said primary election who is in charge of the ballot box. The folded ballots when returned, shall be placed in the proper

How folded.

ballot box, and the name of the voter shall be checked off upon the registration list, kept by said board of inspectors of the primary election.

Duplicate registration books to be made.

SEC. 15. It shall be the duty of each board of registration in the several voting precincts in the townships of said county, and wards of said cities, in addition to all other duties required of them by law, to make a duplicate copy of the names of the electors registered at any registration, in a book to be provided them for that purpose. Upon the completion of said registration, the said extra books of names of electors registered, shall be delivered to the proper officers, as books of registration are now delivered under the general registration law of this State. It shall be the duty of the said officers who receive said extra books when a primary election is to be held, to deliver them to the chairman of the several boards of primary election inspectors to be used at the said primary election.

Canvass of votes.

SEC. 16. As soon as the polls are finally closed, the board of primary election inspectors shall proceed to canvass the votes. Such canvass shall be public. The ballot boxes shall be opened and the whole number of ballots counted. If the ballots shall be in excess of the number of electors voting according to the poll list, the number in excess shall be drawn out as provided in section three thousand six hundred forty-six of the general election laws of this State. Except as herein otherwise provided the matters pertaining to the canvassing of votes shall be conducted in the manner prescribed for the canvassing of votes at the general election in this State.

Tally sheets, by whom furnished, form, etc.

SEC. 17. Two sets of tally sheets or two tally books for each political party having candidates to be voted for at said primary election, shall be furnished for each voting precinct by the said city clerk or county clerk, as the case may be, at the same time, and in the same manner, that the ballots are furnished, and shall be substantially as follows: Each tally sheet, or the first sheet for each tally book to be furnished shall be headed: "Tally sheet for ..... (name of political party), ..... (name of county or city), ..... (ward or town), ..... voting precinct for a primary election held ..... (date)."

Who to constitute canvassing board

The names of the candidates shall be placed on the tally sheets in the order in which they appear on the official ballots, and each case shall have the proper party designated at the head thereof. Opposite the names of the respective candidates shall be placed the whole number of votes cast for him at said primary election. This tally sheet, together with the ballots, shall be placed in the ballot boxes and delivered by the chairman of said board of primary election inspectors to the city clerk or county clerk, as the case may be. The chairman of the board of election inspectors shall also return the registration books to the officers from whom they received them.

SEC. 18. The clerk of the city of Muskegon, the clerk of the city of North Muskegon, the clerk of the city of Muskegon Heights and the clerk of the county of Muskegon, and the judge of probate of Muskegon county shall con-

stitute the canvassing board for said cities and county for the purpose of the primary election, and shall meet in the office of the probate court in the county court house, at ten o'clock in the morning of the day following said primary election, and shall proceed, after taking the usual oath of office, openly and publicly, to canvass the primary election returns made to the city clerks or the county clerk. The canvassing board need not wait until all the returns are at hand before beginning.

SEC. 19. The canvassing board shall make and prepare a statement, the same to be signed by the said board and filed in the office of the county clerk, or the city clerk, as the case may be, as follows:

First. A statement containing the names of all candidates voted for at the primary election with the number of votes received by each, and for what office. Said statement to be made as to each political party separately.

Second. A statement of the names of persons or candidates of each political party who are nominated, to wit: Those persons or candidates of such polical party who receive the highest number of votes for the respective offices, and where there is more than one person to be elected for a given office at the ensuing election, there shall be included in said statement of nomination the names of so many candidates of such party receiving the next highest number of votes as there are persons to be elected to said office at said ensuing election. Said statement shall in like manner be made separately as to each political party.

Third. A statement of the whole number of electors registered, and the number of ballots cast at such primary election. If two or more candidates of the same political party are tied for the same office, the tie shall be determined by lot, and to be cast then and there by and as the canvassing board may determine. It shall be the duty of said canvassing board to notify each of the successful candidates of their nomination, and that his name will be placed upon an official ballot at the next ensuing election.

SEC. 20. The persons whose names are so properly placed in said nonninating statements, shall be and constitute the nominees of the several political parties of which they are candidates and such names shall be printed upon the official ballots prepared for the ensuing election in like manner as if such persons had been duly nominated by a party convention as delegates, with a certificate thereof, filled as required by said general election law.

No names of candidates of any political party which is required to make nominations under this act for officers to be voted for, shall be placed upon the official election ballot unless such candidates have been chosen in accordance with this act, except in the case of vacancy occasioned by death, removal, resignation or in case the candidates so nominated shall be disqualified from holding office under the general law of the State, and in such event the county or city campaign party commit-

tee of the same political party, or if there be no such committee, then a mass convention of such party may fill such vacancy, and except in case of a candidate or candidates desiring to be placed on said official ballot, having been nominated in mass convention as an independent candidate or candidates, by at least two hundred electors of said city, or county, before the name or names of such candidates shall be placed upon said official ballot, he or they shall pay to said city clerk the fee required by other candidates for the same office. The name of such new candidate or candidates to fill vacancies to be certified under oath to the city clerk or county clerk by the chairman or secretary of such committee or convention who shall certify them to the proper election commissioner.

Campaign committees, how chosen.

SEC. 21. The candidate or candidates nominated under the provisions of this act, shall, immediately after their nomination, select a party campaign committee for their respective offices, one to be chosen from each ward or township in their election district, who shall hold office for two years and until their successors are elected and qualified. The candidate or candidates shall also select a chairman of their respective campaign committee, whose term of office shall be two years. The members of the committee so selected shall elect one of their number as secretary of the committee to which they belong. Said committees are to direct the campaign of the office that they are selected to act for.

How may contest nomination.

SEC. 22. Any candidate voted for at a primary election in these cities or county may contest the nomination of the candidate against him at said primary election by filing a petition with the probate judge of the county within twenty-four hours after the close of the polls, in which he shall specify the causes for which such application is made. Such petition shall be brought before the board of examiners created by section eighteen of this act. Said board shall proceed as hereinafter provided: Provided, That at the time of filing his petition he shall deposit twenty-five dollars with the judge of probate, which amount shall be disposed of as hereinafter provided.

Petition, what to set forth.

(a) Said petition shall set forth that the petitioner was a candidate for the office claimed by him, and that he received votes therefor, and that he has good reason to believe, and does believe, either

(1) That there was error or fraud in the count or in returns of the inspectors of the election.

(2) That there was fraud or error in the count or in the determination of said board of canvassers.

(3) That there was error or fraud in both, and further stating that he believes that unless the ballot boxes are opened and votes counted without unnecessary delay, his rights will be jeopardized.

Said petition shall be in writing and shall be subscribed and sworn to by the person or by some one in his behalf. A copy thereof shall be served upon the person or persons who are candidates for such office at said primary election.

(b) Upon the filing of said petition, the judge of probate Proceedings on filing of petition. shall forthwith notify the members of said board of canvassers created by section eighteen of this act, of the filing of said petition, and shall, in the notice, appoint a time and place for the board of canvassers to meet, which time shall not be more than twenty-four hours after the filing of said petition, properly verified, and such probate judge shall issue an order causing the ballot boxes to be brought before the board of canvassers and at a place and a time specified in the order, and a copy of such order shall be served upon the person or persons whose election is to be contested and also upon the officer in whose custody is kept the ballot boxes of said primary, whose duty it shall be to produce said ballot boxes before said board of canvassers at the time and place named in said order. That sections two hundred thirty-four (e), two hundred thirty-four (f), two hundred thirty-four (g), two hundred thirty-four (h), of Howell's Statutes, volume three, are hereby made applicable as far as possible to this act.

SEC. 23. Any person who shall, while the polls are open at any polling place on any primary election day, do any electioneering in said polling place, or within two hundred feet of said polling place; any person who shall offer or give to another person any intoxicating liquors, or drink any intoxicating liquors within any such polling place; any person who shall solicit or receive, directly or indirectly by himself or agent any money or promise of place or position or any valuable consideration for his vote or support at any primary election; any person who shall offer any voter any money or reward of any kind, or who shall promise any place or position for the purpose of securing such votes or vote, or support at any such primary election; any person who shall knowingly violate any of the provisions of this act; any person who shall refuse to perform any duty enjoined upon him hereby; any person who shall vote or attempt to vote more than once or in more than one election district at the same primary election; any person who shall solicit another person to vote more than once at said primary election, shall be guilty of a misdemeanor. Any person who shall be convicted of any of the acts or omissions which are by this act declared to be misdemeanors, shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year or by both such fine and imprisonment in the discretion of the court.

SEC. 24. All acts or parts of acts in anywise contravening the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved May 28, 1903.

## [No. 503.]

AN ACT to authorize and empower the township board of the township of Grand Rapids in Kent county to pay such amounts to the residents of said township as said board may determine said residents lost by the killing of sheep by dogs in the year eighteen hundred ninety-eight.

*The People of the State of Michigan enact:*

Who to determine amount.

SECTION 1. The township board of the township of Grand Rapids in the county of Kent, is hereby authorized and empowered to pay to the residents and citizens of said township, the amount that the said township board may determine that the said residents and citizens lost or were damaged by reason of the killing of the sheep of said residents and citizens of said township by dogs, during the year of our Lord one thousand eight hundred ninety-eight. Said sum to be paid out of the dog fund in the hands of the township treasurer in said township.

This act is ordered to take immediate effect.

Approved June 2, 1903.

## [No. 504.]

AN ACT to detach certain territory from fractional school district number three, of the townships of Chickaming and Weesaw, Berrien county, Michigan, and to attach the same to school district number three, of the said township of Chickaming, and to detach certain other territory from said fractional school district, and to attach the same to school district number three of the said township of Weesaw, and to repeal an act, entitled "An act to detach certain territory from school district number three, of the township of Chickaming, Berrien county, Michigan, and from school district number three, of the township of Weesaw, county of Berrien, State of Michigan, and to organize the same into fractional school district number three, of the said townships of Chickaming and Weesaw," approved January thirtieth, nineteen hundred three.

*The People of the State of Michigan enact:*

Territory transferred.

SECTION 1. All that part of section thirteen, town seven south, range twenty west, now included in fractional school district number three, of the townships of Chickaming and Weesaw, Berrien county, Michigan, and also the north half and southeast quarter of section twenty-four in said town seven south, range twenty west, now in said fractional school district, to be detached from said fractional school district num-

ber three, of the townships of Chickaming and Weesaw, and are attached to school district number three, of said Chickaming township.

SEC. 2. That section nineteen, the west half of section twenty, the south half of southwest quarter and the northwest quarter of section seventeen, the south seventy acres of the southeast quarter of section eighteen, the south thirty-six and one quarter acres of southwest quarter of section eighteen, town seven south, range nineteen west, be detached from said fractional school district number three, of the townships of Chickaming and Weesaw, aforesaid, be and are attached to school district number three, of the said township of Weesaw.

SEC. 3. An act, entitled "An act to detach certain territory from school district number three, of the township of Chickaming, Berrien county, Michigan, and from school district number three, of the township of Weesaw, county of Berrien, State of Michigan, and to organize the same into fractional school district number three, of the said townships of Chickaming and Weesaw," approved January thirtieth, nineteen hundred three, is hereby repealed.

This act is ordered to take immediate effect.

Approved June 4, 1903.

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[No. 505.]

AN ACT to create a board of jury commissioners consisting of five persons for courts of record in the county of Kent.

*The People of the State of Michigan enact:*

SECTION 1. There shall be a board of jury commissioners for Kent county, consisting of five qualified electors, who shall be appointed by the Governor upon the joint recommendation of the judges of the circuit court for the county of Kent, and the judge of the superior court of Grand Rapids, or, in case said judges can not agree, then on the recommendation of a majority of said judges: Provided, That the said board of jury commissioners shall be so constituted that not more than three of the members thereof shall be residents of the city of Grand Rapids. The official terms of the first commissioners appointed under this act shall commence on the first day of January, nineteen hundred four, and they shall hold their office for one year, and until their successors are appointed and qualified. The official terms of commissioners subsequently appointed (except appointments to fill vacancies) shall commence on the first day of January in each following year, and they shall hold office for the term of one year, and until their successors are appointed. Appointments to fill vacancies that may occur may be made by the Governor from time to

Who to appoint.  
Proviso.  
Term of office.  
Vacancies how filled.

**To take oath.**

time upon the like recommendation of said judges, and the person or persons so appointed shall hold office for the remainder of the unexpired term. Said commissioners before entering upon the discharge of their duties shall take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the county clerk. They shall elect one of their number president. The commissioners shall receive in full compensation for their services five dollars per day for each day actually employed in the duties of said office, together with mileage for their traveling expenses while in the actual performance of their duties at the rate of five cents per mile: Provided, That no commissioner shall receive pay for more than fifteen days' service in any one year. The clerk of the county of Kent shall act as secretary of said commission, and without additional compensation therefor. He shall keep a record of the proceedings of said commissioners and perform such other clerical duties as are prescribed by this act.

**When board to meet, duties, etc.**

SEC. 2. Said board shall meet at the office of the county clerk on the second Monday in January of each year, at ten o'clock in the forenoon, and having divided the territory, including both the city of Grand Rapids and the townships of Kent county, into five districts, which shall be equal as near as possible with respect to population, shall assign one of such districts to each of said commissioners. They shall also apportion among said commissioners and their respective districts the number of petit jurors to be returned for each of the courts, as provided by this act. Said apportionment, as well as said division of territory into districts for assignment to the respective commissioners, shall be made according to the number of inhabitants of the territory assigned to each commissioner by the last preceding general census taken by this State or the United States: Provided, That in taking an apportionment and return of petit jurors for the circuit court, not less than five jurors shall be apportioned to and returned for any township or ward.

**Proviso.****Commissioners to make lists of jurors.**

SEC. 3. Each of said commissioners shall make a list of names of the number of qualified persons apportioned to his district, as aforesaid, to serve as petit jurors for the ensuing year for each of the courts of record in Kent county for which jurors are required by law to be summoned. Said lists, as soon as they are made, and prior to the third Monday in January, shall be filed with the county clerk.

**When board to meet and make list of jurors.**

SEC. 4. The board of jury commissioners shall meet at the office of the sheriff on the fourth Monday in January in each year, at ten o'clock in the forenoon, and shall proceed to examine the lists of persons returned by each of the said commissioners as aforesaid, and if, in the judgment of said board, the persons whose names were so returned are suitable persons, having the qualifications of jurors and not exempt from service as such, said board shall make therefrom a complete list of persons for each of the courts for which lists of jurors are required to be returned, which list shall be recorded at

length in the records of said board, and a copy thereof shall be made, certified to be a true list of jurors made by said board, for the court, naming it, for which it is made for the then ensuing year, which certificate shall be subscribed by said commissioners, or a majority of them, and shall be filed in the office of the clerk of the court for which said list shall be made. If, in the judgment of said board, any of the persons whose names are contained in the list returned by said commissioners respectively, are not suitable to serve as jurors, or if they are exempt, or not qualified, such names shall be omitted from the lists required by this section to be made by said board, and in place of the names so omitted, said board shall select from the ward or township from which such name or names shall be omitted, and include in said list made by the board, names of suitable and eligible persons, sufficient in number to complete said list, and if any of said commissioners shall neglect to return the list of names as aforesaid, for his district, as aforesaid, said board shall select and return, in the lists to be made by them, names of suitable and eligible persons sufficient to complete the same. Such lists shall state the township and ward in which the persons returned respectively are residents, and if they reside in the city of Grand Rapids, shall state the place of residence by reference to street and house number. The name of the commissioner shall not be returned in said lists.

When names  
may be  
omitted from  
list.

Lists, what to  
state.

Qualifications  
of jurors.

SEC. 5. The persons whose names shall be returned by said board of jury commissioners shall be suitable to serve as jurors. They shall have the qualifications of electors in the town or ward in which they reside, and for which they are returned by said board; they shall be persons of good character, of approved integrity, of sound judgment and well informed, conversant with the English language, in possession of their natural faculties, not infirm or decrepit, and otherwise free from all legal exceptions. No persons shall be returned, or shall be qualified to be or become one of a panel of petit or grand jurors in any court of record in the county of Kent, who, within one year prior thereto has been or acted as a member of a panel of petit or grand jurors, whether summoned on the original panel or added thereto as talesman, in a court of record, except as otherwise provided in section twenty-one, and it shall be the duty of each of said courts, on the return day of the venire, to inquire of the jurors summoned if any of them have served as jurors during the preceding year, and to excuse from service any jurors who have so served. It shall also be the duty of the judges of each of said courts, by special orders to be entered upon the court journal, to cause examination and investigation to be made into the qualifications of each and every juror who shall be summoned as provided by this act, and to direct the manner in which such examination and investigation shall be made; and neither of said courts shall allow any person to be or become one of a panel of petit or grand jurors therein until it shall be made to appear, to the satisfaction of such court, after such examination and

Court to  
examine.

**When may  
excuse jurors.**

investigation, that such person has all the qualifications specified in this section. It shall also be the duty of each of said courts forthwith to excuse from service as jurors, any and all persons who shall not so be shown to possess all of such qualifications, as well as all persons who, by law, are exempt from service upon juries in courts of record. The particular manner in which such examination and investigation has been made shall be set forth in the journal of said court, and it shall be a just cause of challenge to any juror in any cause, over and above all other challenges allowed by law, that it does not so appear in and by said journal, that said juror has all of said qualifications; and it shall also be the duty of each of the judges of said courts, whenever he shall have reason to doubt whether any person in attendance upon such court, as a juror, is possessed of all of said qualifications, forthwith to excuse such juror from further attendance and service as such juror.

**Number of  
jurors to be  
returned by  
board.**

SEC. 6. There shall be returned each year, by the said board, to serve as jurors in the circuit court of said county, the names of four hundred and fifty persons, who shall be residents of said county, and as petit jurors in the superior court of Grand Rapids, the names of three hundred persons, who shall be residents of said city, but either of said courts may direct a different number of persons to be returned by said board, by an order to be entered on its journal, a copy of which order, certified by its clerk, shall be delivered to the secretary or president of such board at least thirty days prior to said first Monday in May, and said board shall thereupon return for said court the number of names mentioned in said order.

**Clerk of court  
to file lists and  
place names  
in box.**

SEC. 7. The clerk of the court, in receiving said list, shall file it in his office, shall forthwith write the names of the persons thus selected on separate strips of paper of the same size and appearance as nearly as may be, shall fold up each of said strips of paper in the same manner, so as to conceal the name thereon, and deposit and preserve the same in a box, to be called and labeled "Jury Box," and the persons whose names are thus returned and deposited in said jury box shall be liable to serve as jurors for one year and until another list shall be selected, returned and filed with said clerk, and the names thereon deposited in said jury box in the manner aforesaid. Immediately upon the depositing of the names so returned, in the jury box, the clerk shall seal up such lists of jurors, and said list shall remain sealed, unless otherwise ordered by the presiding judge of the court for which said list is filed.

**When old  
ballots to be  
destroyed.**

SEC. 8. Before depositing in said jury box the names contained in any new list, the ballots deposited therein for the preceding year shall be taken out and destroyed, and it shall be the duty of the presiding judge of the court, and the sheriff, to attend and be present with the clerk when the ballots containing the names of persons to serve as jurors, are deposited in said jury box and when the same are taken out to be destroyed.

**SEC. 9.** At least fourteen days before any term of said court at which jury trials may be had, the jury commissioners shall draw from the jury box the names of as many persons as the said court may order, not less than twenty-four, to serve as petit jurors in said court, but before such drawing said commissioners shall give two days' notice to the presiding judge, and clerk in said court and to the sheriff, of the time when such drawing shall take place.

**SEC. 10.** At the time so appointed it shall be the duty of said judge, clerk and of the sheriff or deputy sheriff of Kent county to attend at the clerk's office and witness said drawing of jurors, and if neither said presiding judge, clerk, sheriff or deputy sheriff be present at the appointed time, the commissioners may adjourn such drawing to some certain hour on the next day, of which adjournment they shall forthwith give notice to such judge and sheriff.

**SEC. 11.** If, at the time first appointed for said drawing, or at the adjourned time therefor, either said presiding judge, clerk, sheriff or deputy sheriff shall be present, the commissioners shall proceed in such drawing as follows: They shall direct the secretary of said commission to shake the jury box so as to fairly mix the slips of paper deposited therein, who shall then draw from such box, publicly, and in the presence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon, as may have been ordered by said court, and one of the attending officers shall keep a minute of such drawing in which he shall enter the name on every strip of paper drawn before any other such strip be drawn. If, after drawing the whole number required, the name of any person shall appear to have been drawn who is insane, or dead, or has removed from the jurisdiction of the court, or is otherwise incompetent, to the knowledge of said commissioners, or any attending officer, an entry of such fact shall be made on the minute of the drawing, the strip of paper containing his name shall be destroyed, and another name shall then be drawn in the place of the one destroyed, and entered on the minute of the drawing, and like proceedings shall be had as often as necessary, until the whole number of jurors shall be drawn.

**SEC. 12.** The said minute of the drawing shall then be signed by the commissioners and the attending officers, and filed in the clerk's office, and he shall immediately make out a venire facias, and deliver the same to the sheriff of Kent county, which shall command him or any of his deputies to summon the persons therein named to be and appear in said court at the term thereof for which they were drawn, to serve as petit jurors, and not depart from the same until discharged, under penalty as the court may impose.

**SEC. 13.** Said venire facias shall be served at least six days before the term of court therein specified by giving personal notice to each person therein named, or by leaving a written notice at his place of residence, with some person of proper

age, and return thereof shall be made to said court at its opening, specifying those who were summoned, and the manner in which each person was notified.

**Fine for neglect of juror to attend.**

SEC. 14. The court to which any list of jurors shall be returned shall impose a fine of not exceeding ten dollars for each day that any person duly summoned as a juror shall, without reasonable cause, neglect to attend; but if it appear by such return that any person was notified by leaving a written notice at his place of residence, the court shall suspend the imposition of such fine until the defaulting juror shall be notified to appear and show cause why the same should not be imposed.

**Disposal of certain ballots.**

SEC. 15. The clerk of the court shall destroy the ballots of all persons who shall attend and serve as jurors, or who shall be excused from serving as jurors on the ground of being exempted by law from such service, and the ballots of such persons who did not appear and serve, which shall not have been destroyed, shall be returned to the jury box.

**When additional jurors may be summoned.**

SEC. 16. Whenever for cause petit jurors shall not have been drawn or summoned to attend any term of said court, or a sufficient number of qualified jurors shall fail to appear, said court may, in its discretion, order a sufficient number of petit jurors to be forthwith drawn from said jury box, and summoned to attend such court.

**Duty of sheriff.**

SEC. 17. The sheriff, on receiving a list of jurors drawn pursuant to the preceding section, shall proceed as soon as possible to summon such jurors forthwith to attend such court and make returns to said court of the jurors in the same manner as in the case of a venire facias.

**When court may cause talesmen to be summoned.**

SEC. 18. When there shall not be jurors enough present to form a panel in any case, said court may direct talesmen to be drawn and summoned, as in the last two preceding sections, but all talesmen shall be drawn from said jury list, and any judge who shall select or allow any sheriff or clerk or other person to select any talesman or other juror, except as provided by law, shall be deemed guilty of corrupt conduct in office, and be subject to impeachment therefor: Provided, That the superior court of the city of Grand Rapids may direct the officer in attendance of said court to summon a sufficient number of persons having the qualifications of jurors to complete the panel from among the bystanders of the neighboring citizens, and such officers shall immediately summon the number so ordered, and return their names to said court.

**Proviso.**

SEC. 19. In case the commissioners fail to meet and return said list at the time prescribed by this act, or in case any list of jurors shall become exhausted or be declared illegal before the year for which they were drawn has expired, it shall be competent for said circuit court or the superior court of Grand Rapids to direct said board of jury commissioners to meet and make a new list of jurors for such court, to serve for the balance of the year.

**When commissioners to make new list.**

SEC. 20. Any person who shall request said commissioners, or any of them, to be selected or returned as a juror or who shall request that any other person be so selected and returned, and any commissioner who shall cause any person to be selected and returned, who shall have made any request, or in whose behalf any such request shall have been made, or shall make known to any other person any name selected and returned on any jury list, before the same may have been drawn from the jury box, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more than one month, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment.

SEC. 21. Special juries shall, upon demand of either of the litigants, be struck from thirty-six names selected by the commissioners for that purpose, and such service shall not debar them from serving as jurors at the next term of court.

SEC. 22. Said board of jury commissioners shall, when ordered by the circuit court for the county of Kent, make a list of suitable persons having the qualifications of petit jurors to serve as grand jurors. Such list shall contain one hundred and fifty names, and shall be made up from the county at large, without reference to any division into wards or townships; and when a grand jury shall be ordered to be drawn, the jury commissioners shall give the same notice and take the same proceedings as is provided in the case of drawing petit jurors for drawing the names of twenty-three persons from said list of grand jurors, to serve as grand jurors, and the same shall be summoned and served in like manner and with like pay as petit jurors. If any of the persons whose name shall be drawn as grand jurors shall not appear or shall be exempted or excused, the court may order a sufficient number to be drawn and summoned, to complete the panel.

SEC. 23. Jurors shall be paid mileage at the rate of ten cents per mile for their traveling expenses from their residence to the place of holding court and for returning thereto, and for each day of actual attendance at sessions of the court, at the rate of two dollars and fifty cents per day: Provided, That jurors residing more than five miles from the place of holding the court may be paid for not more than two days if their personal attendance is not required on such days: And provided further, That the court may excuse any juror or jurors from attendance without pay for any portion of the term. Jurors excused for more than two days without pay may, by order of the court, receive mileage for traveling in going to their residences and returning to the court. It shall be the duty of the court to excuse jurors from attendance on days when it is not expected that trials will be had of jury causes. Any clerk or deputy clerk of the court who shall wilfully issue any certificate of attendance of a juror, and on which said juror shall receive pay, excepting as provided by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more

than six months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

**Exemptions  
from jury  
duty.**

SEC. 24. The following persons shall be exempt from serving as jurors, to wit: All officers of this State, or the United States, all county officers and their deputies, all employes in any postoffice or custom house of the United States, or in the custom department of the United States; all city officers of the city of Grand Rapids and their deputies, all constables and justices of the peace, all officers and members of any organized police department, attorneys and counselors at law, practicing physicians, officers and professors of the University, officers and professors in colleges, settled ministers of the gospel, preceptors and teachers of incorporated academies, superintendents and teachers of public schools, all presidents, managers, superintendents, engineers and heads of departments and conductors of any railroad authorized by the laws of this State, and actually constructed and used, all constant ferrymen, all chiefs and assistant engineers, and the members of any fire department organized according to law; all persons more than seventy years of age, and all active and contributing members of any military company organized and mustered under the laws of this State.

**Persons court  
may excuse.**

SEC. 25. The court, in its discretion, may excuse any juror from serving at such court whenever it shall appear:

First, That he is a practicing physician or surgeon, and has patients requiring his attention; or

Second, That he executes any other civil office than those specified in the preceding section the duties of which are at the time inconsistent with his attendance as a juror; or

Third, That he is a teacher of any school, actually employed and serving as such; or

Fourth, That he is more than sixty years of age; or

Fifth, When for any other reason the interests of the public or of the individual juror will be materially injured by such attendance, or his own health or that of any member of his family requires his absence from said court.

**Commission-  
ers to proceed  
as soon as  
appointed.**

SEC. 26. The board of jury commissioners, as provided for by this act, shall, as soon as may be after their appointment and organization, proceed to select the names of persons to serve as jurors as herein provided, which said lists shall be filed with the clerk of the court for which they shall be selected, and by him deposited in the manner prescribed by section seven, and thereupon the ballots containing the names of jurors, which may have been previously selected and returned, shall be destroyed: Provided, That nothing in this act shall affect the validity of a panel of jurors which may have been drawn for any term of court before the returning of the list provided for by this act.

This act is ordered to take immediate effect.

Approved June 4, 1903.

**Proviso.**

## [No. 506.]

**AN ACT to incorporate the school district of Crystal Falls,  
in Iron county.**

*The People of the State of Michigan enact:*

SECTION 1. The following described territory, situate and being in the county of Iron, is hereby reincorporated as a school district, to be known in law under the name and style of the "School District of Crystal Falls," to wit: The territory now included in the organized township of Crystal Falls and the territory now included in the corporate limits of the city of Crystal Falls.

SEC. 2. The said school district shall be subject to the general laws of the State, so far as the same may be applicable, and shall have all the powers and privileges conferred upon primary and graded school districts by the laws of this State, all the general provisions of which shall apply and be enforced in said school district, except such as shall be inconsistent with the provisions of this act; and all schools organized in said district in pursuance of this act shall be public and free to all persons actual residents within the limits thereof five years of age and over, and to such other persons as the board of education thereof, hereinafter provided for, shall admit: Provided, That whenever the majority of the electors in any surveyed township in said district shall petition the board of education to establish a school or schools therein, said board of education is hereby authorized and directed, within three months thereafter, to organize such school or schools.

SEC. 3. The board of education of said school district shall consist of five trustees, two of whom shall reside outside of the corporate limits of said city of Crystal Falls, and three within the limits of said city of Crystal Falls, to be elected as herein-after provided, each of whom shall have one vote therein.

SEC. 4. The board of registration for said school district shall consist of the president, the treasurer and the secretary of the board of education, and, in case of the absence of any of them, or his inability to serve, the trustee not holding the office of president, whose term of office will soonest expire, shall act in his stead, but any two of such board of registration shall have authority to act and transact business to the same extent as if all the members thereof were present.

SEC. 5. It shall be the duty of the board of registration to provide, at the expense of such school district, a suitable book, to be known as the "register of electors," so made and arranged as to be capable of containing an alphabetical list of the respective christian and surnames, in full, of all persons entitled to vote at the meetings of said school district, the date of registration of each such person, and the street or other locality of his residence.

SEC. 6. As soon as practicable after this act shall take effect, the secretary of the board of education shall copy into the

Territory to contain.

Laws to govern.

Proviso.

Board of education, how constituted.

Board of registration, how constituted.

To provide "register of electors"

Who to copy names, etc., of electors.

**City clerk to furnish facilities for.**

register of electors the names, residences and dates of registration of all the qualified electors of the city of Crystal Falls and of the township of Crystal Falls, as the same shall appear according to the several books of registration thereof for the last preceding general election. The city clerk of said city and the township clerk of said township shall furnish the said secretary of the board of education all reasonable facilities and opportunity to use the respective city and township books of registration for the purpose aforesaid. The register of electors so made up, subject to the additions and other changes lawfully made by the board of registration of said school district at any regular session thereof, shall be the register of electors for use at the then next annual or special meeting of said school district.

**When board of registration to be in session.**

SEC. 7. On the Saturday next preceding an annual meeting or any special meeting, of said school district, and on such other days as shall be appointed therefor by the board of education, not exceeding three days in all, previous to any such meeting, the board of registration shall be in session at such place in said school district as shall be designated therefor as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the list of the qualified electors of said school district; during which session, it shall be the right of every person who, at the then next approaching meeting of said school district, may be a qualified elector of said school district, and whose name is not already registered as a qualified elector of said school district, to have his name entered in the register of electors as a qualified elector of said school district.

**Qualifications of electors.**

SEC. 8. Every person who shall have resided in said school district twenty days next preceding any annual or special meeting of said school district, and shall also possess the qualifications of an elector under the constitution of this State, shall be a qualified elector of said school district at such meeting.

**Notice of meetings of board of registration.**

SEC. 9. At least two weeks previous to the commencement of any such session of the board of registration, the board of education shall fix the place in said school district where the board of registration will meet, and, at least eight days before such session of the board of registration, the secretary of the board of education shall give notice by handbills posted in ten public places in said school district, and by publication in one or more newspapers printed in said school district, of the time and place when and where the board of registration will meet. Except as in this act otherwise provided, the general laws of this State relating to the registration of electors in townships shall apply to the registration of electors in said school district.

**When re-registration to be made.**

SEC. 10. At the session of the board of registration next preceding the annual meeting of said school district to be held in the year one thousand nine hundred five, and every fifth year thereafter, a re-registration of the qualified electors of said school district shall be made in a suitable book to be provided for that purpose at the expense of said school district, of which

re-registration, notice shall be given with the notice herein-before provided of the time and place when and where such session shall be held; and, after such new registration shall have been made, all previous registers of electors of said school district shall be invalid and no longer used, but the new register of electors shall thereafter be the only register of electors to be used at any meeting of said school district.

SEC. 11. At any annual or special meeting of said school district, and as soon as the polls are opened, the secretary of the board of education shall cause the register of electors to be placed in the hands of the inspectors of election for said meeting, to be used by them during the meeting and to be returned to such secretary immediately thereafter; and they shall not receive the vote of any person whose name is not written therein. Who to give  
register to  
inspectors.

But, in case any person shall offer and claim the right to vote whose name is not so registered, his name may then and there be registered by one of the clerks of election, under the direction of the inspectors, upon the terms and conditions following: One of the inspectors shall administer to him an oath in the following form, viz.: You do solemnly swear that you will true answers make to such questions as shall be asked you touching your qualifications as an elector at this poll; so help you God; or an affirmation to the same effect; which oath or affirmation, if he be unable to understand the English language, may be interpreted to him by an inspector, or by an interpreter sworn by an inspector, which interpreter shall also interpret to him the questions, and his answers thereto to the inspectors. If, in his answers so given on oath or affirmation, he shall state positively that he has resided in said school district twenty days next preceding said meeting, designating particularly the place of his residence, and that he possesses the other qualifications of an elector at such meeting, stating such qualifications, and shall furthermore swear or affirm that, owing to sickness or bodily infirmity of himself, or some member of his household, giving the name of such member, or owing to his absence from said school district on public or private business and without intent to avoid or delay his registration during the then last session of the board of registration, he has been prevented from causing his name to be registered previously; and, if furthermore some qualified elector of said school district, not a candidate for any office at that meeting, shall take an oath before said inspectors, which oath any one of said inspectors may administer, that he is well acquainted with such applicant, that such applicant has, in fact, resided in said school district twenty days next preceding such meeting, and that he, such elector, has good reason to believe, and does believe, that all the statements and answers aforesaid of such applicant are true, the inspectors may, in their discretion, direct one of the clerks of election to register such applicant's name and residence, with the date of such registration, as a qualified elector of said school district. If such applicant or such elector shall in said matter wilfully make any false statement, he shall be deemed guilty of perjury.

When may  
swear vote in.

Form of oath.

When person  
entitled to  
registration.

and, on conviction thereof, shall be subject to the pains and penalties thereof.

Who to be  
election com-  
missioners.

SEC. 12. The board of education for said school district shall be the board of election commissioners thereof and shall perform such duties relative to the preparation and printing of ballots for use at any meeting of said school district as are required by law of the boards of election commissioners of counties, and like duties and privileges as are enjoined and granted by the laws governing general elections upon and to the various committees of different political organizations, are hereby prescribed for the committees of such organizations for such school district in respect of meetings of said school district held pursuant to the provisions of this act; except that it shall not be necessary for such committees to furnish a vignette or heading for the ballot, other than to designate the name of the party or political organization which they represent; and the names of candidates shall be given by such committees to the board of election commissioners not less than five secular days before the meeting involved, and the proof copy of the ballot shall be open to the inspection of the chairman of each such committee at the office of the secretary of the board of education not less than two clear secular days before such meeting.

Annual meet-  
ing, when held.

SEC. 13. The annual meeting of said school district for the election of officers and the transaction of other business pertaining to said district, shall be held on the second Monday of July in each year, and at such places in said district as the board of education shall by resolution designate. The first annual meeting, under the provisions of this act, shall be held on the second Monday of July, one thousand nine hundred three, at which meeting the electors present shall elect, by ballot, three trustees, two for the term of two years each, and one for the term of one year, and until their successors shall have been elected and qualified; and annually thereafter at the annual school meeting, the electors shall elect trustees in the places of those whose term shall expire at the time of said meeting, the regular term of office being two years: Provided, That the two members of the board of education of the township district of Crystal Falls, who, at the election held in said school district in July in the year one thousand nine hundred two, were elected for the term of two years, shall continue to act as the trustees of the board of education provided for by this act, until the first Monday of August in the year one thousand nine hundred four: Provided further, That the board of education of the township school district of Crystal Falls, as existing at the time this act shall take effect, shall continue as the board of education of the school district hereby incorporated, until the first Monday of August, in the year one thousand nine hundred three, and until a board of education shall have been duly constituted and organized as provided by this act, and shall have all the powers, duties and privileges vested by the provisions of this act in the board of education of such school district hereby incorporated.

Proviso.

Further  
proviso.

The said trustees elected on the said second Monday in July, Trustees, what to constitute.  
one thousand nine hundred three, together with the two trustees above mentioned, shall become the board of education of said school district of Crystal Falls on the first Monday of August, one thousand nine hundred three and shall organize the board as provided in section twenty-two of this act, and immediately thereafter the board of education as organized at the time this act shall take effect shall turn over to said newly organized board all the records and property belonging to the township school district of Crystal Falls.

SEC. 14. Special meetings of said school district may be appointed by resolution of the board of education at such times and places in said district as such board shall designate, and the general purpose of any such special meeting shall be set forth in the resolution appointing such meeting.

SEC. 15. Notice of the time and place of holding any annual or special meeting of said school district, and of the officers to be elected and the questions to be voted upon by ballot, shall be given by the secretary of the board of education at least ten days before such meeting, by posting such notices in ten public places in said school district, and by publishing such notice in one or more newspapers printed in such district.

SEC. 16. The five trustees of said school district shall be the Who to be inspectors of election at any annual or special meeting held in ins-pectors of elections and for said district. But, in case five inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the meeting, the electors present may choose viva voce, such number of said electors as, with the inspector or inspectors present, shall constitute a board of five in number; and such electors so chosen shall be inspectors of that meeting during the continuance thereof.

SEC. 17. If the secretary of the board of education be present he shall act as clerk of the meeting, and before the opening of the polls, the inspectors shall appoint an elector to be a second clerk of the meeting; and, if the secretary of the board of education shall not be present, the inspectors shall appoint two such clerks; and each of the clerks so appointed, and each of the inspectors so chosen, shall take the constitutional oath of office, which oath either of the inspectors may administer. When the president of the board of education shall be acting as one of the board of inspectors of election, he shall be chairman thereof; but if he be absent, such one of their number as the inspectors shall designate shall be chairman.

SEC. 18. On the day of such meeting, the polls thereof shall Poles, when opened. be opened at nine o'clock in the forenoon, or as soon thereafter as maybe, and shall continue, without intermission or adjournment, open until five o'clock in the afternoon of the same day, and no longer. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour thirty minutes, and fifteen minutes respectively, before the closing thereof.

**Who to furnish ballot boxes.** SEC. 19. There shall be provided and kept by the secretary of the board of education, at the expense of the school district, one or more suitable ballot boxes, with lock and key, in compliance with the requirements of the general election laws of this State. He shall also furnish a district election seal, which shall contain such words or device, or both thereof, as the board of education may prescribe.

**Conducting of elections.** SEC. 20. The election of officers at any annual meeting of said school district shall be in conformity with the provision of the laws governing general elections, so far as the same shall be applicable thereto, and all the provisions of such laws relative to the form of ballot, arrangement of polling places, the manner of voting and receiving votes and the canvass and declaration of the result of such election are hereby made applicable to such meeting, except as herein otherwise provided.

**Result, how declared.** SEC. 21. Immediately after the count of the ballots has been completed, the result and the number of votes received by each candidate or person on the ballot shall be publicly declared by one of the inspectors. The inspectors shall then prepare a statement of the result in duplicate, showing the whole number of votes cast for each office, the names of the persons for whom such votes were given and the number each person received; in which statements, the whole number of votes given for each office and the number given for each person shall be written out in words at length. Such duplicate statements, when duly certified by the inspectors, or a majority of them, shall be delivered forthwith to the secretary of the board of education and be by him disposed as follows: One thereof, together with one of the original tally sheets, shall, within twenty-four hours after he shall have received the same, be delivered personally or by registered mail to the county clerk of Iron county and the other thereof shall be filed and preserved in the office of the secretary of the board of education.

**Board of education to organize.** SEC. 22. On the first Monday in August succeeding the annual meeting of said school district, the board of education shall meet at the office of the secretary of said board and organize by electing from their number a president, a secretary and a treasurer, each of whom shall serve until his successor shall have been elected and shall have qualified and entered upon the duties of the office: Provided, That the secretary of said board shall be selected from the two trustees who are not residents of the city of Crystal Falls. In the absence of the president at any meeting of the board of education, a majority of the members present may choose one of their number to act as president pro tempore. The treasurer of the board shall, within five days after his election or appointment as such, file with the secretary of the board the constitutional oath of office, and shall also, before entering upon the duties of his office, give a bond to said school district in such sum and with such surety or sureties as the board shall determine and approve, conditioned for the faithful performance of the duties of his office and honestly accounting for all moneys coming into his hands belonging to said school district. The treasurer shall have

**Proviso as to secretary.**

**Treasurer to give bonds.**

**Duties of.**

the keeping of all school, library and other moneys belonging to said school district, and shall not pay the same out without the authority of the board of education upon warrants or orders drawn upon him and signed by the secretary of said board and countersigned by the president thereof.

SEC. 23. Should a vacancy occur in the office of the trustee, the board of education shall have power to fill the same, but the person so appointed shall hold the office only until a successor shall have been elected at the then next annual meeting of said school district and shall have qualified and entered upon the duties of the office, and the person so appointed by the board to fill a vacancy in the office of trustee shall, within five days after notice of his appointment, file with the secretary of such board the constitutional oath of office. Should a vacancy occur in the office of treasurer of the board of education, such board may fill the same by appointment, but the person so appointed shall hold the office for the unexpired portion of the term thereof only, and shall, within five days after receiving notice of his appointment, file the constitutional oath of office and bond as provided in section twenty-two of this act.

SEC. 24. A majority of the members of the board of education shall constitute a quorum for the transaction of business, but any two thereof may adjourn any meeting from time to time until a quorum shall be present. The regular meetings of the board shall be held on the first Monday of April, August and December in each year, and no notice of any regular meeting shall be required: Provided, That the board may by resolution fix different times for holding the regular meetings thereof. Special meetings of the board may be called at any time on the written request of the president or any two members thereof, delivered to the secretary of the board, which request shall specify the time, place and general purpose of such proposed meeting, and the secretary, upon receiving the same, shall forthwith give written notice thereof accordingly to each trustee personally or by leaving such notice at his place of residence at least six hours before the meeting.

SEC. 25. All the meetings of the board shall be held at the office of the secretary of the board, unless otherwise ordered by a resolution of the board, specifying where the same shall be held.

SEC. 26. The secretary shall keep a faithful record of all proceedings of the board; and all records and papers belonging to the school district shall be kept in the custody of the secretary and shall be open to the inspection of any elector of said district.

SEC. 27. The board of education shall be the board of school inspectors for said school district and shall, as such, report to the clerk of Iron county, and shall have all the powers and perform all the duties now enjoyed and performed by boards of school inspectors under the primary school law of this State, and the president of said board shall perform all the duties required by law of the chairman of the board of school in-

*Vacancies,  
how filled.*

*Meetings of  
board, when  
held.*

*Proviso.*

*Meetings,  
where held.*

*Secretary to  
keep records.*

*Who to be  
school in-  
spectors.*

spectors, and the board of school inspectors for the township of Crystal Falls is hereby abolished.

Powers and duties of board of education.

SEC. 28. The board of education of said school district shall have power and authority to designate and purchase school-house sites, erect buildings and furnish the same, employ legally qualified teachers, provide books for the library of said district, make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers, as designated by law, so that the district may be entitled to its portion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than five months in each year; relative to the employment of teachers duly and legally qualified; relative to the regulations of schools and the books to be used therein; and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district, and the promotion of a thorough education of the children thereof. It shall be the duty of the treasurer of the board of education to apply and receive from the officer or officers holding the same, moneys appropriated for primary schools and the library of said district.

Amounts needed for school purposes, how determined.

SEC. 29. At each annual meeting of said school district at the hour of one o'clock in the afternoon, the electors present shall, by viva voce vote, determine the amount of money to be raised by tax for all school purposes for the ensuing year, and shall transact such other business of such meeting as may be done by viva voce vote, except as in this act otherwise provided. On all votes for the raising of money by tax, the votes shall be taken in such manner that the chairman of the meeting may be able and shall, upon demand, state the result of each such vote, giving the number voting for, and the number voting against, each proposition so voted upon, all of which shall be duly recorded by the secretary of the board of education in the records of the proceedings of such meeting, and, if the secretary shall not be acting as clerk of the board of inspectors of election, then such record shall be made by one of the clerks of election, and shall be filed in the office of the secretary of the board of education: Provided, That in case the electors at any annual meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at any regular meeting thereof, and the secretary of the board shall, within thirty days thereafter, certify to each supervisor or other assessing officer in said school district the amount which the electors or the board of education, as the case may be, shall have so determined to be raised.

Proviso.

Who to constitute board of equalization.

SEC. 30. The supervisor of the township of Crystal Falls, the assessing officer or officers of the city of Crystal Falls, and the president of the board of education shall constitute a board of equalization and apportionment for said school district and

shall meet at the office of the secretary of the board of education on the second Monday in September in each year, at nine o'clock in the forenoon, and shall then and there examine the several assessment rolls of said city and township for that year, and ascertain whether the relative valuation of the property assessed on said rolls has been equally and uniformly estimated. If, on such examination, they shall deem such valuation to be relatively unequal, they shall equalize the same by adding to or deducting from the valuation of the taxable property on any such roll such an amount as, in their judgment, will produce a relatively equal and uniform valuation of the taxable property in said school district, and the amount added to or deducted from the valuation of the property on any such assessment roll shall be entered upon their records. They shall also cause to be entered upon their records the aggregate valuation of the taxable property on each such assessment roll as determined by them. After they shall have equalized the valuations of the several assessment rolls aforesaid, as herein provided, the said board shall make an apportionment of the amount to be raised for school purposes in said district among such rolls in proportion to the valuation of the taxable property thereon as determined by them for that year, which determination and apportionment shall be entered at large upon their records. The secretary of the board of education shall be clerk of the board of equalization and apportionment, and he shall keep a record of all their proceedings in a book to be provided for the purpose at the expense of said district; and on or before the first day of October of that year, he shall certify to the clerk of the board of supervisors of Iron county the amounts so apportioned to each of said assessment rolls and the clerk of said board of supervisors shall submit the same to such board at their session in October, and such board shall direct the same to be spread upon the said assessment rolls respectively, as such board is required by law to do in the case of township taxes.

SEC. 31. The said school district may borrow money on the credit of said district, and issue its bonds therefor, to pay for schoolhouse sites and to erect and furnish schoolhouses.

SEC. 32. Whenever the board of education shall by resolution declare that it is expedient for said district to borrow any sum of money for the purposes, or any of the purposes, mentioned in the next preceding section of this act, it may order the question of borrowing the same, and issuing the bonds of said district therefor, to be submitted to the qualified electors at any annual meeting of said district, or at any special meeting thereof called for that purpose; and if a majority of the qualified electors voting on such question at such meeting shall vote in favor of borrowing such sum of money and issuing the bonds of the school district therefor, the board may thereupon borrow the same, and may issue the bonds of said district therefor. Which bonds shall be in such form and denomination, bear such rate of interest, not exceeding five per centum per annum, mature at such time or times, not exceeding thirty

Powers and duties.

Who to be clerk, dues, etc.

District may borrow money.

Question to be submitted to electors.

Rate of interest, etc., of bonds.

**Proviso.** years from the time of their issue, and contain such other terms, conditions and limitations as the said board shall by resolution determine: Provided, The amount so borrowed sha'l not exceed three per centum of the assessed valuation of the taxable real and personal property of said district as shown by the then last preceding tax rolls: And provided further, That none of the bonds of said school district shall be disposed of for less than their par value.

**Further proviso.** SEC. 33. The vote at any annual or special meeting of said school district upon the question of borrowing money and issuing bonds of said district therefor, shall be by ballot, and all the proceedings pertaining thereto shall be conducted, as nearly as may be, in accordance with the provisions of law governing the election of school district officers. The form of ballot to be used for the purpose aforesaid, may be as follows:

**Election, how conducted.**

**Form of ballot.**

#### OFFICIAL BALLOT.

(Instructions)—Indicate your vote upon the question submitted by a cross mark (X) in the square opposite the word "Yes", or in the square opposite the word "No." Before leaving the booth, fold the ballot so that the initials may be seen on the outside.

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For borrowing..... dollars for school district purposes and issuing bonds of the school district therefor.

Yes. [ ]

No. [ ]

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**When may be submitted.**

SEC. 34. The question of borrowing money on the credit of the district and issuing the bonds of the district therefor, shall not be submitted to the electors of the district prior to January first, one thousand nine hundred four.

**Annual report of board.**

SEC. 35. The board of education shall annually prior to the first day of July in each year make a detailed written statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which statement shall be entered at length in the record of said board, and shall be publicly read by the president of the board, or, in his absence, by the secretary thereof, to the electors at the annual meeting of said school district at the hour of twelve o'clock noon.

**School property to belong to district.**

SEC. 36. All school property, both real and personal, within the limits of the territory hereby incorporated as aforesaid, under the provisions of this act shall, by force of this act, become and be the property of the school district of Crystal Falls, and all debts and liabilities of the township school dis-

trict of Crystal Falls shall become and be the debts and liabilities of said school district of Crystal Falls.

SEC. 37. All money raised or being raised by tax, or accrued or accruing to the said township school district of Crystal Falls as heretofore organized, shall hereby become and be the money of the school district of Crystal Falls by this act incorporated, and no tax heretofore ordered, assessed or levied for school purposes within the territory included in said district, or other proceedings, shall be invalidated or otherwise affected by means of this act.

SEC. 38. The board of education shall have power to create and appoint such officers and employes not herein otherwise provided for as it may deem necessary or expedient for transacting the business of such school district and may prescribe their duties and compensation.

SEC. 39. The compensation of the members of the board of education shall be two dollars for each day's actual service rendered for said school district, and the secretary and treasurer of said board shall receive such compensation for their services respectively, as the said board shall determine.

SEC. 40. All acts or parts of acts in any manner contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 4, 1903.

[No. 507.]

AN ACT to reincorporate the board of education of the city of Hastings, and to repeal act number three hundred forty-seven of the Session Laws of eighteen hundred seventy-three, approved April second, eighteen hundred seventy-three.

*The People of the State of Michigan enact:*

SECTION 1. The city of Hastings shall constitute one school district. The members of the board of education shall be a body corporate, by the name and style of "The Board of Education of the City of Hastings," and by that name may sue and be sued, and shall be subject to the laws of the State relative to corporations that may be applicable thereto. They shall hold and control all moneys, real and personal property, or other rights belonging to said school district, and shall use and expend the same solely for the benefit of the public school, or schools, within said city.

SEC. 2. The board of education of the city of Hastings shall consist of five members, one member for the city at large, and one member for each of the four wards of said city. All the qualified electors of said city may vote for the member for the city at large, while only the qualified electors of each ward may

When elected, vote for the member from such ward. The members of said board shall be elected at the annual city election on the first Monday in April, and must be elected by ballot, and the ballots must be separate and contain only the names of the nominees for members of the school board. At the annual city election to be held on the first Monday in April, nineteen hundred four, the five members of said board of education shall be elected as

**Term of office.** follows: The member for the city at large and the members for the first and fourth wards shall be elected for a period of two years, beginning July first, nineteen hundred four, and the members for the second and third wards for a period of one year from July first, nineteen hundred four. At the city election in April, nineteen hundred five, successors to the members who were elected at the previous April election to represent the second and third wards shall be elected, who shall hold office for a period of two years from July first, nineteen hundred five. Thereafter the terms of office for the five members of said board shall be for two years each. The school board of said city of Hastings, as constituted under act number three hundred forty-seven of the Session Laws of eighteen hundred seventy three, approved April second, eighteen hundred seventy three, as amended, which board consists of twelve members, shall continue in office and transact all business of said board until July first, nineteen hundred four, when they shall be succeeded by the new board elected the first Monday in April, nineteen hundred four, as provided herein.

**Board of education, when to meet, etc.**

SEC. 3. The board of education shall meet from time to time at such place in said city as they may designate. A majority of all members shall constitute a quorum. They may elect from their number a president, a secretary and treasurer. The said board shall keep a record of their proceedings, which shall be signed by the president and secretary; and any proceedings of said board certified by the president and secretary shall be evidence of the fact therein contained. The justice of the peace shall have jurisdiction over all the prosecutions for the violation of the by-laws and ordinances passed by said board.

**Powers and duties.** SEC. 4. The board of education of the city of Hastings shall have power and authority and it shall be their duty:

To purchase sites, etc. First, To purchase sites and build school buildings or other buildings for school purposes in said city, provided the expense for same shall not exceed five thousand dollars;

**To establish  
high school.** Second. To establish and maintain a high school in said city and prescribe the course of study therein;

To employ superintendent and teachers.

Third, To appoint and employ a superintendent and all teachers for the high school and common schools of said city, who shall be under the authority of said board, and whose compensation shall be fixed by said board. No immediate relative of any member of said board shall be eligible to hold the position of superintendent, teacher or other employee of the board:

To maintain school library, etc.

Fourth. To establish and maintain a school library in said city, and to designate the place where the same shall be kept. to appoint a librarian and fix the compensation for same, to

purchase books for the school library, appropriating therefor from the school fund raised by taxation in said city not exceeding three hundred dollars in any one year and applying to such purchase all moneys received from the county treasurer or city treasurer which the law permits to be used for support of such library;

Fifth, To apply and receive from the county or city treasurer or other officers all money appropriated or belonging to the school library fund of said city, or for library purposes, and to expend the same according to law; To expend library money.

Sixth, To make by-laws and ordinances for taking the census of children of said city; for making reports, and all things that shall be necessary to draw the proportion of the primary school fund belonging to said city; for the visitation of schools and the length of the time school shall be taught (which shall not be less than nine months in each year); for the employment and examination of teachers and their power and duties; for the regulation of school and books to be used therein; for the appointment of necessary officers, and to prescribe their powers and duties; for all necessary purposes that may advance the interest of education in said city and the good government and prosperity of the public schools. Further powers and duties.

SEC. 5. The treasurer of said city shall collect the money and keep all school funds belonging to said city separate from all other funds, and he shall pay over to the treasurer of said board all money on the order of said board. He shall report to the board the condition of the school fund whenever requested by them. Who to have charge of school moneys.

SEC 6. The board of education of said city are hereby authorized, and it shall be their duty, once in each year, to ascertain and determine, by resolution passed at any regular meeting of the school board, by a yea and nay vote of a majority of all members elect, to be entered on the record, the sums necessary and proper for any and all the following purposes: Board to determine amount's needed.

First, To lease, enlarge, alter, improve and repair school houses and their outhouses and appurtenances; For repairs, etc.

Second, To purchase, exchange, improve and repair school apparatus, books, furniture and appendages, and to maintain the school library; Apparatus.

Third, To procure fuel, and defray the necessary contingent expenses of the schools as well as of the board; Fuel, etc.

Fourth, To pay teachers' wages after the application of public money which may by law be appropriated and provided for that purpose; and the city supervisors whose duty it shall be to assess the ordinary city taxes, shall levy the sums so certified to them upon the taxable property of said city in the same manner as other taxes are levied. Wages.

SEC. 7. The treasurer of said board shall have charge of all moneys or funds belonging to the board and shall pay them out only upon the order of said board, signed by the president and countersigned by the clerk thereof. Said treasurer shall give bonds with good and sufficient securities for at least double Duties of treasurer of board.

**Amounts  
needed, how  
assessed.**

the amount of moneys entrusted into his hands, for the faithful discharge of his duties.

**Proviso.**

SEC. 8 Whenever the said board shall, from time to time, determine by resolution what sum or sums of money may be necessary to erect school buildings, or other buildings used for school purposes, not exceeding in cost for any one building, the sum of five thousand dollars in any year, said sum or any part thereof, as they may deem necessary, shall be assessed and levied on the real and personal property of said city, for such building or other school purposes, to be collected as other school moneys, and applied by said board for the purposes aforesaid: Provided, Said resolutions shall have been first approved by a two-thirds vote of the common council of the city of Hastings.

**Vacancies in  
board, how  
filled.**

SEC. 9. In case of a vacancy in the office of a member of said board, the same shall be filled by appointment by a majority of said board, of a person in the ward in which such vacancy exists, which appointment shall be until the next annual election, and until his successor is elected and qualified.

**General law,  
how applied.**

SEC. 10. All provisions of the general law of this State relative to common and union schools shall apply and be in force in said city, except such as may be inconsistent with the provisions of this act or with the by-laws and ordinances of the board of education, and made under this act.

**Members not  
to be inter-  
ested in con-  
tracts, etc.**

SEC. 11. No member of the board of education shall be directly or indirectly interested in any contracts as principal, surety, or otherwise, the expense or consideration whereof are to be paid under any act or ordinance of said board of education, nor be surety or bondsman on any contract or bond given to said city or board of education.

**Act repealed.**

SEC. 12. Act number three hundred forty-seven of the Session Laws of eighteen hundred seventy-three, entitled "An act to incorporate the board of education of the city of Hastings," is hereby repealed.

This act is ordered to take immediate effect.

Approved June 4, 1903.

[No. 508.]

**AN ACT to provide a method for the determination of benefits and assessment of taxes for the construction of drains, together with the review thereof, in the county of Berrien.**

*The People of the State of Michigan enact:*

**County  
exempt from  
certain act.**

SECTION 1. The county of Berrien, from and after the passage of this act, shall be exempt from the provisions of chapter five of act number two hundred fifty-four of the Public Acts of eighteen hundred ninety-seven, entitled "An act to provide

for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," and in lieu thereof shall be subject to the provisions of the following sections:

## CHAPTER V.

### ASSESSMENT AND REVIEW.

SECTION 1. When the county drain commissioner has completed his determination of the route of any proposed drain, he shall cause maps to be made of such route, showing the distances in chains and links across each survey description or parcel of land over which such drain shall pass, for each township into or across which the drain has been so determined to pass, and shall furnish the proper map to the supervisor of each township to be affected by such drain. On receipt of the map of any proposed drain, the supervisor shall apportion the per cent of the cost of the construction of such drain which the township should pay by reason of the benefit to the public health, convenience or welfare, or as a means of improving any highway, and he shall also apportion the per cent of benefits which will accrue to any piece or parcel of land by reason of the construction of such drain, over and above the per cent assessed against the township as aforesaid, and which per cent of benefits he shall apportion upon and assess against the lands benefited.

Drain com-  
missioner to  
make map.

Apportion-  
ment by  
supervisor.

SEC. 2. The supervisor shall, as soon as his duties under section one of this chapter have been completed, make report thereof to the judge of probate of his county, and make written request that the probate court take cognizance of the matter, and appoint two freeholders of the township to act with him, the said supervisor, as a board of review of his findings and his apportionments and assessments of the per cent of benefits, as provided in section one of this chapter; but it shall be unlawful for the supervisor, in any manner whatever, to suggest to the judge of probate the persons who should be by the said judge of probate appointed as members of said board of review. The said judge of probate shall thereupon appoint two freeholders, as above provided, who shall act with the supervisor as a board of review of the findings, apportionments and assessment of benefits made by the said supervisor, and shall in such appointment name a day when the said board of review shall meet together and go over so much of the route of the proposed drain as many lie in the township for which they were appointed to act, and also a day when the said board of review shall meet at the office of the probate court and examine in detail the findings, apportionments and assessment of benefits made by the supervisor; and when said board of review have so met together, having previously together gone over the route of the proposed drain, they shall go over each separate item of the findings, apportionments and assessment of benefits, made by the super-

To report to  
probate judge.

Board of re-  
view, appoint-  
ment, duties,  
etc.

visor and shall determine the justice of each of such items, and shall make such changes as a majority of such board shall agree are necessary in order that equal justice may be done to all persons interested in said drain, and having thus done they shall agree, or a majority of them, to the findings, apportionments and assessment of benefits as a whole; which having been duly accomplished, the report of the supervisor, as thus amended and changed, shall be signed by the members of the board of review, and the judge of probate shall attach his certificate to the same certifying his proceedings relative thereto and the correctness of the proceedings so far had, and attach thereto the official seal of his court, and file the same in the office of the county clerk. The members of the board of review shall each be entitled to receive three dollars per day for the time actually spent on such service, on the certificate of the judge of probate that such service had been duly rendered on his order, in accordance with law.

**When com-  
missioner to  
notify persons  
assessed.**

SEC. 3. Immediately after the filing of the report of the board of review with the county clerk, the county drain commissioner shall serve notice upon each person whose name appears on said report as having been assessed a per cent for benefits, giving the per cent such person has been assessed, and informing him that if he so desires he may, within thirty days thereafter, appeal from such assessment and ask that a determination of the per cent of benefits for which he ought to be liable, shall be made by a special board of review, to be composed of three freeholders of the county who are not resident of the township in which the lands claimed by the report of the board of review to be benefited, are located; which said notice shall be served by handing a copy thereof to the owner, if found or by leaving a copy with the occupant of the premises, or, if the premises are not occupied, by firmly posting a copy on some conspicuous object on the premises: Provided, That if any one deems himself aggrieved by the determination of the board of review and wishes to appeal therefrom, he may do so by duly setting forth his grievance, depositing his bond for two hundred dollars with sureties satisfactory to the judge of probate, conditioned that if he shall fail in securing from the special board of review the relief he prays for, he will pay all the costs and expenses arising from such appeal, the same to be assessed by the judge of probate.

**Proviso as to  
appeal.**

Proof of service of the above described notice, and of the manner of such service, in each separate instance, shall be filed in the office of the probate court of the county.

**When special  
board of re-  
view ap-  
pointed.**

SEC. 4. At the expiration of thirty days after the filing of the report of the board of review in the office of the county clerk, if any appeals therefrom have been duly filed with the probate court, the judge of probate shall summon three freeholders of the county, not resident in the township or townships through which the drain in question is to run, to appear at his office at a day in such summons specified, to act as a special board of review, to hear the appeal or appeals, as the case may be, from the report of the board of review, and determine the

justice of said report in the items appealed from; he shall also notify the person or persons who have filed appeals, that on said day they shall appear and prosecute their appeal, or in default thereof, submit to a non-suit and judgment for costs and expenses.

SEC. 5. On the day set for the hearing of appeals from the report of the board of review, the persons summoned to act as a special board of review shall appear at the office of the probate court, and take the constitutional oath of office, and enter on the duty assigned them, as pointed out by the judge of probate, who shall direct them to proceed without delay to inspect the route of the said proposed drain, being the while in charge of an officer, who shall see to it that they have no communication with any one in regard to the drain or the justice of the assessments for benefits as set forth in the report of the board of review. On the return of the special board of review from their inspection of the route of the proposed drain, the judge of probate shall give an opportunity for the appellants to be heard, either in person or by attorney, and for the taking of testimony which may have a bearing on the question of the justice of the assessments for benefits as set forth in the report of the board of review. On the request of the judge of probate, the prosecuting attorney for the county, or an attorney duly designated by him for that duty, shall appear on behalf of the people to defend the report of the board of review. The questions properly arising on the appeal or appeals, as the case may be, having been duly heard, the judge of probate shall direct that the special board of review, without fear or favor, and with a view to securing justice as between the several parties interested in the said drain, make their finding; and shall further direct that without having communication with any person or persons other than what may be necessary to be had with the officer in charge of them, that they forthwith proceed to the preparation of their finding, which shall be in writing: Provided, That if the extent of the finding to be had is such as to justify him in so doing, the probate court may assign a stenographer to assist in the preparation of their report, after they shall have agreed among themselves as to the questions at issue. The finding of the special board of review, when deposited with the court, shall be final. The proceeding had by special board of review shall be certified by the judge of probate, and filed in the office of the clerk of the county, together with the costs and expenses taxed therein. The judge of probate shall also certify the amount of pay due the members of said special board of review, allowing three dollars per day to each member thereof.

SEC. 6. The provisions of this act shall only be operative when the same shall have been approved by a majority of the qualified electors of Berrien county; and it is hereby made the duty of the board of supervisors, by resolution duly adopted, to direct that the question of the adoption of the provisions of this act shall be submitted to the electors of the county, to be voted on at the annual township meeting in the year nineteen hundred four, and the form of ballot to be used shall be as follows:

Duties of  
special board.

Appellants to  
be heard.

Who to ap-  
pear for  
people.

Finding of  
special board.

Proviso as to  
report.

Finding of  
board to be  
final.

Provisions of  
act to be  
submitted to  
electors.

**Form of ballot.** Shall the supervisor perform the duty of assessing benefits for drains—Yes.

Shall the supervisor perform the duty of assessing benefits for drains—No.

**Canvass of votes.** It is hereby made the duty of the several election boards in said county of Berrien to make due and proper return of the votes cast for and against this proposition, to the county clerk, and the county clerk shall convene the board of county canvassers not more than twenty days after the date of township meeting and said county canvassers shall canvass, determine and declare the result of the vote hereon.

Approved June 4, 1903.

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[No. 509.]

AN ACT to provide for the payment of an annual salary to the president of the village of Essexville, county of Bay, State of Michigan, and to pay the trustees of said village for the meetings of the common council attended by them.

*The People of the State of Michigan enact:*

**Salary of president.** SECTION 1. The president of the village of Essexville, in the county of Bay, State of Michigan, shall be paid an annual salary of one hundred dollars, and the trustees of said village shall be paid the sum of one dollar per meeting for each meeting of the common council of said village attended by them. The said several sums shall be paid out of the contingent fund of said village.

SEC. 2. The provisions of the foregoing section shall not be operative until approved by a majority vote of the electors of said village cast at a regular or special election.

This act is ordered to take immediate effect.

Approved June 4, 1903.

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[No. 510.]

AN ACT to repeal act number four hundred two of the Local Acts of eighteen hundred ninety-seven, entitled "An act to organize the township of Beaver Creek in the county of Crawford into a union school district," and to reorganize the several school districts as they existed at the time of the passage of said act.

*The People of the State of Michigan enact:*

**Act repealed.** SECTION 1. Act number four hundred two of the Local Acts of eighteen hundred ninety-seven, approved April twenty-first, eighteen hundred ninety-seven, is hereby repealed, and the

several school districts in said township of Beaver Creek shall be and remain as organized at the time of the passage of said act number four hundred two of the Local Acts of eighteen hundred ninety-seven, until changed by lawful authority.

SEC. 2. The township clerk of said township of Beaver Creek shall give notice of a special election to be held in each of said districts on the thirteenth day of June, nineteen hundred three, for the purpose of electing officers for such districts for the remainder of the current school year.

This act is ordered to take immediate effect.

Approved June 4, 1903.

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[No. 511.]

**AN ACT to incorporate the village of Twining in the townships of Mason and Turner in the county of Arenac.**

*The People of the State of Michigan enact:*

SECTION 1. All the territory situate and being in the townships of Mason and Turner, in the county of Arenac and State of Michigan, and described as follows, to wit: The southeast quarter of section twenty-four, the northeast quarter of section twenty-five, town twenty north of range five east, and the southwest quarter of section nineteen and the northwest quarter of section thirty, in town twenty north of range six east, Arenac county, Michigan, is hereby incorporated as the village of Twining, under the provisions of "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five.

SEC. 2. The first election of officers of said village of Twining shall be held on the second Monday in March, nineteen hundred four, at Maccabee hall in said village, notice of which shall be given by publication in the Twining Siftings, a newspaper printed and circulated in said village, for three weeks immediately preceding said election, which said notice shall be signed by the board of election inspectors hereinafter designated.

SEC. 3. Fred L. Twining, George Dillon, Robert Mann and Henry N. Gardner are hereby constituted a board of election inspectors and election commissioners for said first election to be held in said village for the purpose of registering the names of voters for the first election to be held in said village, and the said board of registration are hereby required to meet at said Maccabee Hall on the Saturday next preceding the said second Monday in March, nineteen hundred four, and shall remain in session from nine o'clock in the forenoon until five o'clock in the afternoon and register all persons presenting

who to be  
election in-  
spectors.

themselves for registration and having the qualifications of voters at annual township meetings and residing within said village. Notice of such meeting shall be published in said Twining Siftings at least three weeks before said meeting, which said notice shall be signed by said board of registration.

Notice of election.

SEC. 4. The election inspectors shall give notice of the time and place of holding such election as provided in section two of this act at least three weeks immediately preceding such election. At such election the polls shall be opened at nine o'clock in the forenoon and shall be closed at five o'clock in the afternoon.

Special election.

SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election for officers may be held within thirty days after the time so designated, the notice being given as provided in this section.

This act is ordered to take effect February first, nineteen hundred four.

Approved June 4, 1903.

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[No. 512.]

AN ACT to amend act three hundred ninety of the Local Acts of the State of Michigan for the year of one thousand nine hundred one, entitled "An act to incorporate the public schools of the township of Alpena, Alpena county," approved April eleventh, one thousand nine hundred one, by amending sections six, nine and eleven of said act, and by adding a new section thereto to be known as section sixteen.

*The People of the State of Michigan enact:*

Act amended. SECTION 1. Act number three hundred ninety of the Local Acts of the State of Michigan for the year one thousand nine hundred one, entitled "An act to incorporate the public schools of the township of Alpena, Alpena county," approved April eleventh, one thousand nine hundred one, is hereby amended by amending sections six, nine and eleven, and by adding a new section thereto, to be known as section sixteen, to read as follows:

Meetings of board, when held.

SEC. 6. The majority of the members of such board shall constitute a quorum and the regular meeting of such board shall be held on the third Monday of March, July and September in each year, and no notice of such meetings shall be required, and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum is present, and special meetings of said board may be called at any time on the request of the president, or two members of said board in writing, delivered to the clerk, and the clerk upon receiving such request shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three

days subsequent to the time of receiving such request by said clerk: Provided. The members of said board shall draw no pay for more than six special meetings of not to exceed one day each in any one year. All meetings of said board shall be held at the township clerk's office unless otherwise directed by resolution of the board, and all the records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any legal voter of said district.

SEC. 9. The board of education at their regular meeting on the third Monday of July, in each year, shall make an estimate of and determine the amount of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditure within the powers of said board, which estimate shall specify the amounts required for the different objects of expenditure and such shall be entered in the records and proceedings of said board, and said funds shall be kept separate and shall be expended for the purpose for which they were raised and for no other purpose whatever, and no fund shall be overdrawn by said board. The clerk of said board shall within twenty days thereafter make a written report of the amount of taxes estimated and determined to be necessary and certify the same to the supervisor of said township of Alpena, who shall spread the same upon the regular tax roll of said township and the same shall be levied, collected and returned in the same manner as other township taxes: Provided, That for purchasing school lots and repairing and erecting schoolhouses, no greater sum than two mills on the dollar of all the taxable valuation of the real and personal property of said district shall be levied in any one year nor shall said board raise more than three hundred dollars in any one year for salaries and expenses of officers.

SEC. 11. The said board shall annually, and on the third Monday of March, in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board and shall be publicly read by the president, or in his absence by the clerk thereof, to the electors of the township of Alpena, at their annual township meeting, on the first Monday of April thereafter, between the hours of twelve o'clock noon, and three o'clock in the afternoon, and the electors of said township may immediately after such annual report is read determine *viva voce* vote the length of time the schools of said township shall be taught during the ensuing year, which time shall not exceed nine months nor be less than seven months in any one year.

SEC. 16. The general school laws shall apply in all cases not covered by the provisions of this act.

This act is ordered to take immediate effect.

Approved June 4, 1903.

## [No. 513.]

AN ACT to amend section one of chapter one of an act, entitled "An act to revise the charter of the city of Mount Pleasant, in Isabella county," being act number two hundred sixty-four of the Local Acts of eighteen hundred ninety-one, approved March thirtieth, eighteen hundred ninety-one, as amended by act number three hundred sixteen of the Local Acts of eighteen hundred ninety-three.

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section one of chapter one of an act, entitled "An act to revise the charter of the city of Mount Pleasant in Isabella county," being act number two hundred sixty-four of the Local Acts of eighteen hundred ninety-one, approved March thirtieth, eighteen hundred ninety-one as amended by act three hundred sixteen of the Local Acts of eighteen hundred ninety-three, approved March twenty-fourth, eighteen hundred ninety-three, is hereby amended to read as follows:

## CHAPTER I.

*The People of the State of Michigan enact:*

Territory to contain.

SECTION 1. All that tract of country situated in the township of Union, county of Isabella, described as follows, viz.: The south half of the southeast quarter of section nine; the south half of the southwest quarter, and the south half of the southeast quarter, the northeast quarter of the southeast quarter, the southeast quarter of the northeast quarter of section ten; the south half of the southwest quarter of section eleven; the northwest quarter of section fourteen; entire section fifteen; east half of section sixteen; the northeast quarter of section twenty-one; the northwest quarter, except a piece of land six rods square in the southeast corner of said northwest quarter of section twenty-two; the northeast quarter of section twenty-two; the northwest quarter of the northwest quarter of section twenty-three; all being in township fourteen north of range four west, be and the same is hereby constituted and declared to be a city by the name of the "City of Mount Pleasant," and the freemen of such city, from time to time, being inhabitants thereof, shall be and continue to be a body corporate and politic by the name of the city of Mt. Pleasant, and by such name shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits at law or in equity; but whenever any suit or action shall be commenced against such city, the same shall be by summons, an attested copy of which shall be served upon the mayor of the city. And in case such summons cannot for any reason be served upon the mayor it may be served upon the city clerk, or any one of the aldermen of the city. Such summons shall in all cases be served at least thirty

Suits, how commenced.

days previous to the return day thereof. Said city may have a common seal which the city council may alter at pleasure.

This act is ordered to take immediate effect.

Approved June 4, 1903.

[No. 514.]

AN ACT to annex the territory embraced within the city of West Bay City, to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City; to specify and fix the boundaries of the city; to consolidate the school system and the library systems of the said cities of West Bay City and Bay City; to provide for the assuming and payment of all the indebtedness and liabilities of the present cities of Bay City and West Bay City, and their school and library systems and to provide for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Bay City and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

## CHAPTER I.

### INCORPORATION AND LIMITS.

SECTION 1. All the district of country in the county of Bay, and State of Michigan, embraced within the following described limits, is hereby constituted and declared a city by the name of Bay City; said district of country being included within the following limits, to wit: Beginning at a point in the middle of the Saginaw river where the section line between sections fourteen and fifteen in town fourteen north, range five east, crosses said river; thence southerly on a line between said sections fourteen and fifteen and sections twenty-two and twenty-three to the north line of Fillmore place, according to the Carroll park plat; thence easterly along the north line of said Fillmore place, if extended, about sixteen hundred feet to the east line of a tract of land owned by the Bay County Agricultural Society; thence southerly or said east line of said Agricultural Society's land about twenty-two hundred sixty-one feet to the center line of Center avenue; thence southerly on said line, if extended, to the section line between sections twenty-three and twenty-six, in township fourteen north, range five east; thence westerly on said section line to the northeast corner of section twenty-seven, town fourteen north, range five east; thence southerly along the east

Boundaries of  
city  
described.

line of section twenty-seven in said township, to the intersection of same with the center line of Ridge road, so called; thence southeasterly along the center line of said Ridge road to the intersection of same with the north and south line on the east side of the property known as St. Patrick's cemetery, if said line were extended northerly; thence southerly along the said east line of said property known as St. Patrick's cemetery to the intersection of the same, if extended, with the east and west quarter line of section twenty-six, in township fourteen north, range five east; thence westerly along the east and west quarter line of said section twenty-six to the east line of section twenty-seven in said township; thence southerly along the east line of section twenty-seven in said township to a point where the center line of Fifteenth street, if extended east, would intersect said section line; thence westerly along the center line of said Fifteenth street to the center line of Johnson street, thence southerly on the center line of Johnson street to the center line of Twenty-second street, thence westerly on the center line of Twenty-second street to the west side line of section thirty-four in said township; thence southerly on the section line between sections thirty-three and thirty-four to the southwest corner of section thirty-four; thence westerly on a line between section thirty-three and section four to the quarter line of said section four in township thirteen north, range five east; thence southerly on the said quarter line through section four, to the intersection of the southerly line of the Bullock road, so called; thence northwesterly on the southerly line of said Bullock road, to the intersection of said line with the easterly line of McCormick street, so called, in John W. McGraw and Company's first addition to Bay City, according to the plat thereof on record in the office of the register of deeds for Bay county; thence southerly along said easterly line of McCormick street, to the intersection of the same with the southerly line of Forty-first street, in said addition, thence westerly along the southerly line of Forty-first street to the intersection of the same with the westerly line of Harrison street; thence northwesterly along the westerly line of Harrison street to the intersection of the same with the center line of McGraw avenue; thence westerly along the center line of McGraw avenue, if produced and continued, to the center of the island in said river known as the Middleground; thence northerly and easterly through the center of said island or Middleground to a point where the south line of section thirty-two, in town fourteen north, range five east crosses said Middleground, thence west on the south line of said section thirty-two to the southwest corner thereof, thence north along the west side of sections thirty-two, twenty-nine and twenty, town fourteen, aforesaid to the northwest corner of section twenty; thence east along the north line of said section twenty to the quarter post of said section twenty; thence north along the quarter line of section seventeen, town fourteen aforesaid, to the north line of said section seventeen, town fourteen aforesaid; thence

east along the north side of the east half of said section seventeen and the north line of sections fifteen and sixteen, to the northeast corner of section fifteen, town fourteen north, range five east; thence southerly along the section line between sections fourteen and fifteen, to the southeast corner of the northeast quarter of the northeast quarter of section fifteen; thence westerly along the north sub-quarter line to the north and south quarter section line in said section fifteen; thence southerly on said quarter section line to the center line of a highway known as Prairie avenue, if extended, according to the plat of the Riverside Park subdivision; thence south seventy-four degrees west along the center of said Prairie avenue to a point which is north, sixty-one degrees fourteen minutes east, five hundred nineteen feet distant from the quarter section post between sections fifteen and sixteen, town aforesaid, said point being the intersection of the center line of said Prairie avenue with the center line of Roy street; thence south, one degree east, along the center line of Roy street seven hundred forty feet to the bank of the Saginaw river; thence south thirteen degrees, fifty minutes east, to the center of said Saginaw river, thence down stream along the center of said river to the place of beginning.

SEC. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic to be known and distinguished by the name and title of Bay City, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, answering and being answered unto, and of defending and being defended in all courts of law and equity and in all places whatsoever, and may have a common seal which they may alter and change at pleasure, and may take, hold, purchase, lease, convey and dispose of any real, personal or mixed estate for the use and benefit of said corporation.

City to be  
body corpor-  
ate.

SEC. 3. The city shall be divided into seventeen wards, Divided, into  
wards.

First. The first ward of said city shall include all that portion of said city bounded as follows: Commencing at a point where the center line of Third street intersects the center of Saginaw river, running thence east along the center line of Third street to the center line of Johnson street; thence north along the center line of Johnson street to the center line of Woodside avenue; thence easterly along the center line of Woodside avenue to its intersection with the center line of Belinda street; thence north along the center line of Belinda street to the center of Saginaw river; on the north and westerly by the center of Saginaw river;

Boundaries of  
first.

Second. The second ward shall embrace all that portion Second. of the city lying between the center line of third street and the center line of Center avenue, and west of the center line of Lincoln avenue to the center line of Saginaw river;

Third. The third ward of said city shall embrace all that Third. part of said city lying between the center line of Tenth street and a line on the north commencing in the center of the Sagi-

naw river, where the center line of Seventh street intersects the same; thence east along the center line of Seventh street to the center line of Van Buren street; thence south along the center line of Van Buren street to the center line of McKinley avenue; thence east along the center line of McKinley avenue to the center line of Lincoln avenue; thence south along the center line of Lincoln avenue to the center line of Tenth street; on the west by the center line of Saginaw river;

**Fourth.** Fourth, The fourth ward of said city shall embrace all that part of said city between the center line of Tenth street and the center line of Fifteenth street, and west of the center line of Lincoln avenue to the center of the Saginaw river;

**Fifth.** Fifth, The fifth ward of said city shall embrace all that part of said city lying between the center line of Twenty-fifth street, if extended east, to the Pere Marquette railroad, and the center line of Fifteenth street, and west of the center line of the Pere Marquette railroad right of way to the center of the Saginaw river;

**Sixth.** Sixth, The sixth ward of said city shall embrace all that part of said city lying south of the center line of Twenty-fifth street, and north of the center line of Thirty-fourth street, and west of the center line of the Pere Marquette railroad right of way to the center of the Saginaw river;

**Seventh.** Seventh, The seventh ward of said city shall comprise all that part of said city lying south of the center line of Thirty-fourth street, and west of the center line of the Pere Marquette railroad right of way to the center of the Saginaw river;

**Eighth.** Eighth, The eighth ward of said city shall embrace all that portion of said city bounded as follows: On the north, commencing at the intersection of Fifteenth and James streets; thence east on the center line of Fifteenth street to the center line of Lincoln avenue; thence north on the center line of Lincoln avenue to the center line of Columbus avenue; thence east on the center line of Columbus avenue to the center line of Trumbull street, if extended southerly; thence south along the center line of Trumbull street, if extended southerly, to the center line of Fifteenth street, if extended easterly; on the west by the center line of the Pere Marquette railroad right of way, and on the south and east by the city limits;

**Ninth.** Ninth, The ninth ward of said city shall embrace all that part of said city lying between the center line of Center avenue and a line on the south, commencing at the center of the Saginaw river where the center line of Seventh street intersects the same; thence easterly along the center line of Seventh street to the center line of Van Buren street; thence southerly along the center line of Van Buren street to the center line of McKinley avenue; thence east along the center line of McKinley avenue to the center line of Lincoln avenue; thence north on the center line of Lincoln avenue to the center line of Center avenue; on the west by the center line of the Saginaw river;

**Tenth.** Tenth, The tenth ward of said city shall embrace all that part of said city bounded as follows: Commencing at the

intersection of the city limits and Second street, if said Second street were extended east to the city limits; thence west along the center line of Second street, as aforesaid, to the center line of Johnson street; thence north along the center line of Johnson street to the center line of Woodside avenue; thence easterly along the center line of Woodside avenue to its intersection with the center line of Belinda street; thence northerly along the center line of Belinda street, if extended northerly, to the center line of the Saginaw river; on the north by the center line of Saginaw river and on the east by the section line between sections fourteen and fifteen, twenty-one and twenty-two, to said Nebobish avenue, thence to city limits, thence south to center line of Second street, produced;

Eleventh, The eleventh ward shall embrace all that portion <sup>Eleventh.</sup> of said city bounded as follows: On the east by the city limits; on the north by a line commencing at the intersection of the city limits and Second street, if Second street were extended east to the city limits; then west along the center line of Second street, as aforesaid, to the center line of Johnson street; thence south along the center line of Johnson street to the center line of Third street; thence west along the center line of Third street to the center line of Lincoln avenue; thence south along the center line of Lincoln avenue to the center line of Columbus avenue; thence east along the center line of Columbus avenue to the intersection of Columbus avenue and Trumbull streets; thence south along the center line of Trumbull street, if extended south, to the center line of Fifteenth street, if extended easterly; thence east along the center line of Fifteenth street, if extended easterly, to the city limits;

Twelfth, The twelfth ward shall embrace all that portion <sup>Twelfth.</sup> of said city, bounded as follows: Beginning at the center of the Saginaw river where the same intersects the north line of section fourteen, in town fourteen north, of range five east, running thence west on the north line of sections fourteen, fifteen and sixteen to the northwest corner of the northwest quarter of said section sixteen or the center line of Lincoln street to the southeast corner of the northwest quarter of the southwest quarter of said section sixteen; thence south forty-one degrees and twenty minutes east, between the lands formerly owned by John Bourn and the Keystone Lumber and Salt Manufacturing Company to the center of the Saginaw River; on the south and east by the center line of the Saginaw river and the city limits;

Thirteenth, The thirteenth ward shall embrace all that portion <sup>Thirteenth.</sup> of the city contained in section sixteen not included in the twelfth ward and west of the center of the Saginaw river, the east half of section seventeen, the north half of the northeast quarter of section twenty, and all of section twenty-one north and west of the center of the Saginaw river and north of the center line of South Union street in Litchfield's addition to the village of Wenona, to the Michigan Central railroad tract [track] and north of the north line of said South Union street if extended easterly from the railroad track to the center of the Saginaw river;

**Fourteenth.** Fourteenth, The fourteenth ward shall embrace all that portion of the city contained in section twenty and twenty-one north of the center of Jane street, in the plat of Lake City, from the center of the Saginaw river to Center street, which street is the quarter line running north and south through said section twenty, the said quarter line being the west line of said ward, and the north line of said ward shall be the south line of the thirteenth ward hereinbefore described, lying east of said Center street;

**Fifteenth.** Fifteenth, The fifteenth ward shall embrace all that portion of said city contained in section twenty, south of the center line of said Jane street extended west to the city limits, and east to the center of the Saginaw river, also the north half of the north half of the northwest quarter of section twenty-nine, and that part of the plat of Salzburg north of the center line of Ninth street extended to the center of the Saginaw river;

**Sixteenth.** Sixteenth, The sixteenth ward shall embrace all that portion of the city contained in section twenty-nine not included in the fifteenth ward, and all of section thirty-two west of the center of the Middleground, so called, in the Saginaw river, and all of sections thirty and thirty-one, south of the center line of Ninth street, extended to the limits;

**Seventeenth.** Seventeenth, The seventeenth ward of said city shall embrace that portion of the city lying between the center line of Center street on the quarter line of section twenty and the west boundary line of the city and lying between the center line of North Union street and the north line of the fifteenth ward hereinbefore described.

## CHAPTER II.

### ELECTIVE OFFICERS AND ELECTION OF.

**Annual election when held.** SEC. 4. The first annual election under this act shall be held on the first Monday in April of the year nineteen hundred five, and thereafter the annual election under this act shall be held on the first Monday in April of each year. All elections under this act shall be held in such places in each ward and precinct as the council may designate. The following officers of the city of Bay City shall be elected at the first annual city election by the qualified voters of the whole city voting in their respective wards and election districts on a general ticket, viz.: One mayor, one recorder, one treasurer, one comptroller. The following officers of the corporation shall be elected at said election on a ward ticket in each ward and election district by the qualified voters thereof, viz.: Two aldermen, one for one year and one for two years, one supervisor and one constable. The following shall be the term of office of the several officers, each of whom shall hold office until his successor is elected and qualified, viz.: Mayor, two years; treasurer, two years; recorder, four years; comptroller, four years; justices of the peace, four years; aldermen, two years; supervisors, two years;

**Officers to be elected at.**

**Term of office.**

constable, one year. Thereafter there shall be elected at each annual election one constable for one year, and also one alderman in each ward for the term of two years, to succeed the alderman whose term of office soonest expires, and every two years thereafter there shall be elected in each ward one supervisor.

SEC. 5. The present justices of the peace of the cities of Bay City and West Bay City, shall continue to hold their respective offices and perform the duties thereof, until the expiration of their respective terms; at the annual city election under this act in the year nineteen hundred five, and at every such election thereafter, there shall be elected one justice of the peace. The justices of the peace of said city shall have the same jurisdiction and power, perform the same duties, and be subject to the same liabilities as justices of the peace of townships in this State, except as herein otherwise provided, and in all civil suits and proceedings whatsoever they shall have original concurrent jurisdiction, within the jurisdiction of justices of the peace, when either of the parties to the proceeding in such civil suit shall reside within the limits of the county of Bay. At the annual election in April nineteen hundred five, and every two years thereafter, there shall be elected as aforesaid, one mayor, and one treasurer; at the said annual election in nineteen hundred five there shall be elected one city recorder, who shall be elected for two years; at the annual election in April nineteen hundred seven and every four years thereafter, there shall be elected one city recorder; at the said annual election in April nineteen hundred five, and every four years thereafter, there shall be elected one comptroller. Each of the supervisors elected as aforesaid shall be the supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of the law regulating the duties of township supervisors, except as herein otherwise provided; no person shall be eligible for election to, or hold the office of mayor who is holding any judicial office, or who is holding any city or county office for which a stipulated annual salary is paid or received. The treasurer shall not be eligible for election for more than two consecutive terms. No person shall be eligible to any elective office who is not an elector of said city, and no person shall be eligible to any ward office who is not an elector of said ward.

SEC. 6. Notice of election under this act shall be given by the recorder at least eight days before the election, by publishing the same in the official newspaper of said city. The aldermen and supervisors of each ward shall be inspectors of such election, and they shall also be inspectors of the State and county elections; and they, together with the other inspectors of election provided by law, shall choose the clerk thereof. In case any such supervisor or alderman is a candidate for election to office, or is otherwise disqualified to act as such inspector, the council shall, by a majority vote of all the aldermen elect, appoint inspectors qualified to act in their stead;

**Vacancy, how filled.** and in case of a vacancy on the board of election inspectors, the electors present may choose, *viva voce*, from their number at the poll, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath of office by either of said inspectors, or any person qualified to administer oaths.

**Elections, how conducted.** The manner of conducting all elections and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as that provided by the general laws of this State, except as herein otherwise provided: Provided, That at

**Proviso as to charter elections.** such charter elections, the said inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city; and also one certificate of the number of votes given for each person for their respective ward offices and of the officers elected in their respective wards, which certificate shall be immediately filed in the office of the recorder in said city.

**When council to determine result.** SEC. 7. Upon the Thursday next following any annual city election except that of nineteen hundred five, the council shall meet at the council chamber and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city and ward offices; and it shall be the duty of said recorder immediately after such determination to cause notice to be given to each of the persons elected, of their election, and each of said officers so elected and notified shall within twenty days thereafter take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: Pro-

**Recorder to notify person elected.** vided, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the county clerk, in the same manner as is required of township clerks; and in case two or more shall receive, for the same office, an equal number and not a plurality of votes given at such election, the council shall immediately proceed to determine, by lot between the persons receiving the highest number of votes, which shall be considered elected to such office. In case any of the officers elected shall neglect, for the term of twenty days, to qualify, as aforesaid, the office shall thereby become vacant.

**Residence of elector, how determined.** SEC. 8. At all city elections, every elector shall vote in the ward where he shall have resided twenty days next preceding the day of election; the residence of any elector who is not a householder shall be the ward where he boards or takes his regular meals.

**When registration to be made.** SEC. 9. The board of registration shall meet on the first Monday of October, in the year nineteen hundred eight and the said board shall make a registration of the qualified electors of each ward of said city in proper books, showing the particular and exact residence of each elector in said city, and the same rules and requirements shall be observed in such registration, in all respects, as are required by law for the registration of qualified electors in cities, and a like regis-

tion shall be made every four years thereafter. When any such re-registration shall be completed, the former registry of electors in such wards shall henceforth be deemed invalid, and shall not be used at the ensuing elections; and no person shall vote at any public election in said city after such re-registration, whose name shall not be registered anew, as provided by this section, or be afterwards properly entered on such new register, according to the provisions of law for the registration of electors. The notice of the meeting or session of the board of registration at which any re-registration is to be made, in addition to all other matters required by law to be therein stated, shall set forth that a re-registry is to be made, and that no elector whose name shall not be registered in such new register will be permitted to vote at the ensuing election. Until said registration is made in the year nineteen hundred eight the present registry of electors in said city, as corrected and completed according to law, shall be deemed valid and shall be used at all intervening elections.

In case of  
re-registra-  
tion.

Notice of  
meeting of  
board of  
registration.

### CHAPTER III.

#### THE COMMON COUNCIL, ORGANIZATION, POWERS AND DUTIES OF.

SEC. 10. The mayor and aldermen, when assembled and organized, shall constitute the common council of Bay City; and a majority of all the aldermen elect shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

How consti-  
tuted.

SEC. 11. The council may hold its meetings at such times and in such place as it may determine, but the mayor, or in case of his absence or inability to act, the acting mayor, may call a meeting thereof. The mayor shall, or in his absence, the acting mayor shall, on the request in writing of six aldermen, call a special meeting of the common council at the time to be mentioned in said request, which shall not be less than twenty-four hours from the hour of its presentation to the mayor or acting mayor. A notice of such special meeting shall be given by the mayor or acting mayor, by serving a copy of such request and the notice of the time and place of such meeting on each and all of the aldermen elect, by causing a copy of such request and notice to be delivered by a police officer to each alderman personally, at least twelve hours before the time stated therein for such meeting. The notice of such meeting shall be signed by the mayor, or in case of his absence from the city or inability to act, by the acting mayor: Provided, however, That if any alderman cannot be found after diligent search by such police officer, a copy of such request and notice shall be deemed to have been sufficiently served, if delivered at the last place of residence of such alderman at least six hours prior to such special meeting: Provided, further, That such substituted service shall not be valid unless an affidavit shall be made by such police officer and filed with the recorder, setting forth the facts herein required to make such substituted service valid.

Meetings,  
when and  
where held.

Proviso.

Further pro-  
viso.

**Election of president.** SEC. 12. At the first regular meeting of the council in each year after the annual election, the council shall elect one of its members president of the council, who, in the absence of the mayor, shall preside over the sessions thereof, and exercise the powers and duties of president of the council, and shall have a vote upon all questions.

**May compel attendance.** SEC. 13. The council shall have power to send for and compel the attendance of any of its members, or any officer of the city; and to impose, levy and collect such fines as it may deem proper, not exceeding five dollars, for non-attendance at any meeting by any of its members or by any officer of the city.

**When alderman deemed to have vacated office.** SEC. 14. Whenever any alderman shall remain absent from the sessions of the council for a period of four successive weeks, he shall be deemed to have vacated his office, unless unavoidably absent on account of sickness or for any other reason which the council in its discretion, may deem a good and sufficient excuse for his absence. In case of death, absence from the meetings of the council for four successive weeks without cause thereafter deemed by the council to be good and sufficient, and in case of resignation, removal from office, neglect to qualify, removal from the city or ward for which he was elected, or permanent disability to perform the duties of the office to which he was elected, of any person holding an elective office, except judicial officers, the council shall appoint some person, eligible under the charter, to serve in such office until the next annual charter election, and until his successor is elected and qualified. At such annual charter election the vacancy shall be filled for the residue of the unexpired term.

**Records to be kept.** SEC. 15. All meetings of the council shall be public, and it shall cause to be kept a printed record of its proceedings, which shall be signed by the mayor and recorder, which, with all other records of said city, shall be open to public inspection at all reasonable times.

**Aldermen not to be interested in contracts.** SEC. 16. No alderman shall be personally interested in any contract for any public improvement in said city, nor in the sale or furnishing of any labor, material, merchandise or supplies to said city or any board or official thereof. No alderman shall vote upon any question in which he has a direct personal interest. Any alderman violating any of the provisions of this section shall be guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally, for like offenses under the general laws of this State, now or hereafter in force, and applicable thereto; and every alderman of said city shall be deemed an officer within the meaning and provisions of such general law of this State.

**Penalty.** SEC. 17. The common council shall be the judge of the election and qualifications of its own members, and of all ward and city officers, as herein provided, and shall have the power to determine contested elections, and to determine the rules of its proceedings and pass all by-laws and rules necessary and convenient for the transaction of business, not inconsistent with the provisions of this act. The council shall also have the power, by a majority vote of all the aldermen elect, to repeal

**Powers relative to elections.**

**May make by laws.**

amend, change or modify any and all existing rules thereof, and to enact and pass other rules and by-laws, and to repeal, amend, change and modify the same.

SEC. 18. The council shall have power to appoint a city attorney, a street commissioner, a city engineer, and such other officers whose election is not especially provided for in this charter, as it may deem necessary to carry into effect the powers in said charter contained: Provided, That in case of a tie vote by the council on a vote of all the aldermen elect in any of such appointments, the mayor shall have a right to vote. Any person appointed to any office or position, whether upon the nomination of the mayor or otherwise, may be removed therefrom by the council upon a vote of two-thirds of all the members elect voting therefor. Any person holding office by election except the mayor, recorder, police justice and justices of the peace, may be removed therefrom by the council for corrupt or wilful malfeasance or misfeasance in office or for wilful neglect of the duties of his office, or for any violation of any of the ordinances of the council by a two-thirds vote of all the aldermen elect. It shall be deemed sufficient cause for removal or dismissal in the manner aforesaid, from his office or position of any elected or appointed officer, agent or employee, when he shall refuse and neglect to pay or secure the payment of any just debt or obligation, contracted during his term of office or employment, when the city shall be more than twice made a garnishee defendant to obtain payment therefor by the creditor thereof. In every case the reason for removal shall be entered in the records of the council, with the names and the votes of the members voting on the question. No officer or appointee of the council shall be removed by the council, unless first furnished with a copy of the charges and accusations preferred against him in writing, and allowed to be heard in his defense with the aid of counsel, if the accused shall so desire. The council shall have power to issue subpoenas, under the hand of the mayor, or its chairman, to compel the attendance of witnesses and the production of papers, and shall proceed within twenty days after the service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer such charges, his default shall be deemed good cause for removal.

SEC. 19. Every person appointed by the council shall take and subscribe the constitutional oath of office, and file the same with the recorder within ten days after such appointment. Every person so appointed shall execute an official bond or undertaking in the manner and within the time which may be prescribed by the council.

SEC. 20. Resignations of all officers, and of its members, and members of all boards, shall be made in writing to the council and shall be subject to its approval and acceptance.

SEC. 21. The council may at any time require any officer, whether elected or appointed, except judicial officers, to execute and file with the recorder of the city, new official bonds in the same or in such further sums, and with new and such further

May appoint certain officers.

Proviso as to tie vote.

May remove certain officers.

Officers to be furnished with copy of charges.

Appointees to take oath and file bond.

Resignations how made.

May require new bonds.

**sureties as said council may deem requisite for the interests of the corporation.**

**Further powers of council.**

SEC. 22. The common council, in addition to the powers and duties specially conferred upon them in this act shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as it shall deem proper and necessary; and, further, it shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it may deem desirable, within said city for the following purposes:

**May enact ordinances.**

First, To provide for and preserve the purity and salubrity of the waters of the Saginaw river; to prohibit and prevent the deposit therein of any filthy and other matter, tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of said river and other navigable waters within the city limits of said city; to prohibit and prevent the depositing or keeping therein of any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting and mooring of vessels, and laying out of cargoes and ballasts from the same, and appoint so many harbor masters as it may deem necessary, and to prescribe their powers, duties and compensation;

**Licensing of ferries, bridges, etc.**

Second, To license, continue and regulate so many ferries and bridges, from within said city to the opposite shore of the Saginaw river, for carrying and transporting passengers and property across said river, in such manner as shall be deemed most conducive to the public good;

**Wharves, docks, etc.**

Third, To erect, repair and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Saginaw river beyond a certain line, to be established by the council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds or other vehicles, dray or anything whatsoever; to lease the wharves and wharfing privileges, at the ends of streets, upon such terms and conditions, and under such covenants, and with such remedies, in case of non-performance, as the common council may direct; but no building shall be erected thereon; no lease thereof shall be executed for a longer period than two years, and a free passage at all times for all persons and their baggage shall be maintained;

**Draining of swamps, etc.**

Fourth, To provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches;

**Construction of buildings.**

Fifth, To prohibit and prevent the location or construction of any wooden or frame house, store, shop or other building on such streets, alleys and places, or within such limits of said city as the council may from time to time prescribe; to prohibit

and prevent the removal and change of location of wood or frame buildings within said limits, or from any part of said city to any lot or lots on such streets or places within said limits; to prevent the rebuilding or repairing of wooden, brick or other buildings on said streets, alleys or places, or within said limits, when decayed, out of repair, damaged by fire or otherwise. To prohibit and prevent within such places, limits or districts in said city, as the common council may from time to time prescribe, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, the storing of lumber, slabs, staves, edgings, wood or other easily inflammable materials, when, in the opinion of the council, the danger from fire is thereby increased; to regulate the use of lights in buildings, and generally to pass and enforce such ordinances and regulations as it may deem necessary for the prevention and suppression of fires;

Sixth, To appoint one or more inspectors, measurers, <sup>Inspection of</sup> weighers and gaugers of articles to be measured, inspected, <sup>weights and</sup> measures, weighed or gauged; to prescribe and regulate their powers and duties, fees and compensation;

Seventh, To provide for the protection and care of paupers, <sup>Paupers, etc.</sup> and to prohibit and prevent all persons from bringing, in vessels, or in other mode, to said city, from any other port or place, any pauper, or other person likely to become a charge upon said city, and to punish therefor;

Eighth, To lay out, establish, make, alter, and regulate <sup>Marketplaces,</sup> market places and public parks and grounds, and regulate the measuring and selling of firewood, and the weighing and selling of hay and coal, and the selling of meats, vegetables, fish, fruits and provisions of all kinds;

Ninth, To prevent vice and immorality, to preserve the public <sup>Public peace.</sup> peace and good order, and to prevent and quell riots, disturbances and disorderly assemblages and conduct;

Tenth, To restrain and prevent disorderly and gambling <sup>Disorderly</sup> houses and houses of ill fame, the holding, keeping or using of houses. all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices;

Eleventh, To license and regulate the keeping of hotels, <sup>Hotels, sa-</sup> loons, and other public houses, groceries, and the keeping of ordinary saloons, victualing and other houses, and places for furnishing meals, food or drink; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof; to license and regulate the sale of manufactured tobacco and <sup>Sale of to-</sup> bacco. cigars and to license and regulate or prohibit the sale of cigarettes;

Twelfth, To license electricians, steam, gas and water plumbers, and such professions, occupations and callings as the council may deem for the public good and protection, and to regulate and prescribe the manner of doing electrical work and plumbing;

Thirteenth, To apprehend and punish all drunkards, vagrants, mendicants, street beggars, prostitutes, fortune tellers and clairvoyants, disorderly persons, and persons soliciting <sup>Drunkards, vagrants, etc.</sup>

alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct;

**Public exhibitions.**

Fourteenth, To prohibit and prevent or license and regulate the public exhibition by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, sparring, boxing, physical skill, horse racing feats of horsemanship and bowling alleys; mechanical contrivances and apparatus of every kind and description, or the use thereof in public for which money or other reward is directly or indirectly given or demanded; tricks of legerdemain, and all other public shows, exhibitions, entertainments and places of diversion and amusement, and to revoke such licenses at pleasure;

**Nuisances.**

Fifteenth, To declare and define what constitutes a nuisance, and to prohibit, prevent, abate and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter house, stable, privy, hog pen, sewer, or other offensive house or place, to cleanse, remove or abate the same as often as it may deem necessary for the health, comfort and convenience of the inhabitants of the city;

**Slaughter houses, etc.**

Sixteenth, To direct, regulate and prohibit the location and maintenance of all slaughter houses, markets and buildings for storing gunpowder and other combustible substances, and prohibit and regulate the buying, selling, keeping for sale, storing and transporting gunpowder, naphtha, saltpeter, benzine, benzole, petroleum, kerosene oil, firecrackers, fireworks and all other combustible substances, and the using thereof, the using of lights in barns, stables or other buildings, and the making of bonfires;

**Obstruction of streets, etc.**

Seventeenth, To prevent the encumbering or obstruction of streets, sidewalks or crosswalks, lanes, alleys, bridges, wharves, or slips in any manner, or with any material or things of any kind or nature whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions; to cause the removal of such obstructions or encumbrances by some city officer and cause the expense of such removal to be assessed on the abutting property and the expense thereof to be levied and collected in the same manner as herein provided for the levy and collection of local taxes for special improvements, the expense of which is assessed on the property specially benefited, according to the benefits derived. Any assessment so made and tax levied shall be a lien on the lands so assessed after the assessment roll shall have been confirmed. To control, prescribe and regulate the use and enjoyment of streets, alleys, squares and other public places in the city;

**Fast driving.**

Eighteenth, To prevent immoderate riding or driving in any street; to compel persons to fasten or secure their horses or other animals while standing in any of the streets or alleys of the city, and to authorize the stopping and detaining of any person who shall be guilty of any immoderate riding or driving

in any street, and to prevent persons from riding or driving in any street and to prevent any person from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood or other obstructions;

Nineteenth, To prevent and regulate the running at large of dogs; to impose taxes for the keeping thereof; to require them to be muzzled and to authorize their destruction when running at large in violation of any ordinance;

Twentieth, To determine and designate the route and grades of any railroad or street railway now in or hereafter to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads in the city, and to compel the owners and managers of such roads to station flagmen and to erect and maintain safety gates at street crossings, and make such rules and regulations concerning the same as to secure the safety of the citizens;

Twenty-first, To prohibit and prevent any indecent exposure of the person, the show, sale or exhibition of any indecent or obscene books, pictures or pamphlets, and all indecent or obscene exhibitions or shows of any kind, and all indecent, immoral, profane, or disorderly conduct or language, and to prohibit and regulate the bathing in any public waters within or adjoining said city;

Twenty-second, To establish, regulate and maintain one or more pounds, and to restrain and prevent or regulate the running at large of horses, cattle, swine or other animals, geese or poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Twenty-third, To prevent every species of gambling, and to prevent the violation of the Sabbath and the disturbance of any religious congregation or any other public meeting assembled for lawful purposes;

Twenty-fourth, To protect and regulate all cemeteries and graveyards within the city, and all such without the limits of said city as such corporation may acquire, and to regulate the burial of the dead and the keeping of bills of the mortality;

Twenty-fifth, To prohibit the bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substance and to provide for the removal and destruction thereof wheresoever found;

Twenty-sixth, To erect and provide for the erection of a city hall and all needful buildings and offices, for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same, and to purchase and sell real estate for the use of said corporation for corporate purposes; to acquire works by purchase or otherwise, for the purpose of supplying said city, with electric light, power or heat, and to prohibit and punish injuries to public buildings and property;

Twenty-seventh, To regulate the setting of awning or other ports, and to direct and regulate the planting of shade or ornamental trees;

mental trees in the streets and other public grounds, and to provide for the preservation of the same;

**Regulating fees of officers.** Twenty-eighth, To authorize and regulate the demand and receipt by officers of all fees and costs, and in such cases as the council may deem reasonable, and to prescribe, fix, determine and regulate the powers and duties of all officers of the city, subject to the provisions of this act;

**Surveying of city.** Twenty-ninth, To survey, ascertain and establish the boundaries of the city, and all highways, streets, avenues, lanes, alleys, parks, squares and spaces in said city; to prohibit and remove all encroachments, encumbrances or obstructions upon the same in any manner, and to number the buildings;

**Hawkers, etc.** Thirtieth, To license and regulate or prohibit auctioneers, hawkers, peddlers and pawnbrokers, and to regulate auctions, hawking and pawnbrokerage;

**Butchers, etc.** Thirty-first, To license and regulate butchers and keepers of shops, stalls and stands for the sale of meats, vegetables and

**Draymen, etc.** provision of all kinds and to license and regulate all draymen, common teamsters, hackmen and all persons who carry or transfer persons or property for hire, to designate stands for all carriages, carts and drays used in carrying persons and property for hire, and to prescribe their fare and compensation;

**Weights and measures.** Thirty-second, To regulate the weights and measures used in the city; to appoint one or more sealers of weights and measures, and to prescribe powers and duties thereof, and the penalty for using false weights and measures not conforming to the standard as established by the laws of this State;

**Levy and assessment of taxes.** Thirty-third, To assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by law, which taxes shall be a lien on the property until paid; to appropriate money, provide for the payment of the debts and expenses of the city and make regulations concerning the same;

**Confinement of prisoners.** Thirty-fourth, To employ all persons confined for the non-payment of any fine, penalty, forfeiture, or cost of any offense under this act or any ordinance of the council, in any jail, workhouse or prison, at work or labor, either within or without the same, or upon any street or public work under the control of the council; to allow any person thus confined for the non-payment of any fine, forfeiture or costs, to pay and discharge the same by such work and labor, and to fix and value the price of such work and labor;

**Punishment of offenders.** Thirty-fifth, To punish all offenders for violations of or offenses against this act or any by-law or any ordinance of the common council adopted and passed under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Bay county, or any jail, prison or workhouse of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. The limit and character of punishment for

offenses against the ordinances of the council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed one hundred dollars, and no imprisonment one year;

Thirty-sixth, It shall have power to purchase, for the use of the city, so much land without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city;

Thirty-seventh, To provide for the appointment of such a number of fire wardens as it may deem necessary, and for the examination by them from time to time of the stoves, chimneys and flues, furnaces and heating apparatus, and devices in all dwellings, buildings and structures in the city, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition;

Thirty-eighth, To provide for the lighting of streets and alleys, and the protection and safety of public lamps and lights;

Thirty-ninth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, repair, purify, or abate any cellar, vault, slip, barn, private drain, sink, privy, lot, place or premises within the city which shall be damp, unwholesome, offensive, filthy or injurious to the public health, or be covered during any portion of the year with stagnant or impure water, or in such condition as to produce unwholesome or offensive exhalation, or to cause the same to be done by some proper officer of the city, and to assess the expense thereof on the lot or premises specially benefited thereby, in the manner herein provided for assessments for local improvements, and when the assessment roll shall have been confirmed, the taxes so levied shall be a lien on the lands so assessed, and shall be collected in the same manner as herein provided for collecting taxes for such local improvements;

Fortieth, To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Forty-first, To prescribe rules to govern undertakers for burying the dead, to govern scavengers, porters and chimney sweeps, and their compensation, and the fees to be paid by them into the city treasury for licenses;

Forty-second, To regulate the soliciting of guests for hotels, and passengers and others to ride upon any railroad, boat, street car, omnibus or stage;

Forty-third, To fix and regulate the fees of jurors and witnesses in any proceedings under this act, or under any ordinance of the common council;

Forty-fourth, To sell or otherwise provide for disposing of all dirt, filth, manure, cleanings, or materials lying in or gathered from highways, streets, avenues, lanes, alleys and public places and all earth to be removed therefrom, or from the

*Purchase of  
land for ceme-  
tery.*

*Construction  
of drains, etc.*

*Disturbing  
noises.*

*Undertakers,  
scavengers,  
etc.*

*Fees of jurors,  
etc.*

*Sale of street  
cleaning.*

public squares and grounds of said city in grading, paving, repaving or otherwise improving the same;

**Construction  
of fences,  
walls, etc.**

Forty-fifth. To regulate the construction of partition fences, and of partition and parapet walls, the walls of buildings, the thickness of walls; to regulate the construction of chimneys, hearths, fire places, fire hearths, ovens, and the putting up of stoves, stove pipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys, and chimney flues; to compel and regulate the cleaning thereof, and fix the fees therefor; to compel and regulate the construction of ash houses and deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures, except private houses, to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons, and to compel all officers of the city and other persons to aid in the extinguishment of fires and the preservation of property exposed to danger therefrom;

**Inspection of  
boilers, etc.**

Forty-sixth. To provide for the inspection and management of stationary and portable steam boilers and steam generators; to appoint one or more inspectors of portable or stationary steam boilers or steam generators, and to prescribe and regulate their powers, duties, fees and compensation, and to license and regulate engineers and firemen of portable or stationary steam boilers or steam generators;

**Gas pipes.**

Forty-seventh. To restrain and regulate laying, continuing, repairing or taking up or removing any gas pipes along and across any of the streets, sidewalks, lanes, alleys and public grounds in said city;

**Meetings of  
electors.**

Forty-eighth. To provide for calling meetings of electors of the city;

**Bread.**

Forty-ninth. To regulate the weight and quality of bread to be sold and used within the city;

**Telephones,  
etc.**

Fiftieth. To regulate or prohibit, and to prescribe the location and height of telephone, telegraph and electric poles and wires within the limits of Bay City, and to regulate the manner of stringing wires on the same; to regulate the business of telephoning and conducting a telephone exchange in said city, and to compel all telephone and telegraph companies and others using electric wires to place their wires in conduits under ground, and to remove the poles, wires and apparatus of any person or company, in case of their refusal or neglect to comply with the provisions of any ordinance of the common council of Bay City; to compel all persons owning, managing, operating or using wires in said city, for the purpose of conveying electrical currents or electricity for any purpose, to return such currents by aerial wiring or otherwise, so as to

prevent electrolysis, and to provide for a liability by injury to public or private property from electrolysis;

Fifty-first, To require all persons, before constructing, altering or enlarging any building or other structure within the city limits, to obtain a permit therefor; and to regulate by ordinance the terms and conditions on which such building permits shall be granted and issued; Building permits.

Fifty-second, The council shall also have power, whenever Markets. it may deem necessary, to cause to be constructed a city market or markets, or other necessary public buildings, to acquire by purchase the necessary lands whereon to erect the same and to appoint the necessary officers thereof; to locate the same within or without the city limits, and to make such rules and regulations concerning the same as it may deem necessary or proper. The council may provide for erecting and maintaining a city hospital with any eleemosynary or charitable association, and provide for the joint management and control thereof. No such public building shall be constructed unless the council shall order the same by a three-fourths vote of all the aldermen elect; Hospitals, etc.

Fifty-third, To require transient traders and dealers and Itinerant venders. itinerant merchants to obtain a license before engaging in business in said city, and to prescribe and regulate the terms and conditions of issuing of such license;

Fifty-fourth, To own and provide for the use of voting machines, and to provide for the reception, determination and return of the votes cast at elections, and to regulate the manner of the use of such machines, and the conducting of the elections therewith within said city; Voting machines.

Fifty-fifth, The said city shall have the power to acquire, Water works. own, maintain and operate a system of water-works, also to acquire, own and maintain such real estate as it may deem requisite therefor, within or without the limits of said city;

Fifty-sixth, The council shall have power to make all such Further powers. other by-laws, ordinances and regulations as it may deem necessary for the safety and good government of the city, and to preserve the health, and to protect the persons and property of the inhabitants thereof.

SEC. 23. The concurrence of a majority of all the aldermen elect shall be necessary to pass any ordinance, and no ordinance granting rights, privileges or franchises to any person or corporation shall be adopted, amended or repealed without the concurrence of two-thirds of all the aldermen elect. No ordinance, when first introduced, shall be acted upon at the same meeting, but shall be referred to a committee, or otherwise laid over for at least one week, and shall be published with the council proceedings. No ordinance subjecting any person to fine and imprisonment shall take effect until it shall have been published at least six days in the official newspaper of said city. Vote necessary to pass ordinances.

SEC. 24. The style of all ordinances of the common council Style of ordinances. shall be, "It is hereby ordained by the common council of Bay City." And all prosecutions for offenses arising under

this act or any ordinance or regulation of the council shall be in the name of Bay City.

**Appointments, etc., how made.** SEC. 25. All appointments to office shall be made by a majority vote of all the aldermen elect, except as herein otherwise provided, and removals from office shall be made by a like vote, except in cases where, by this act, a different vote may be required.

**Certain moneys, how used.** SEC. 26. All moneys collected by the city for licenses and permits, and all fines imposed for the violation of any ordinance, shall be placed into and constitute a part of a special fund, to be appropriated for the use and benefit of charitable purposes, as may be directed by the common council.

**When council to act as township board.** SEC. 27. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships in this State in reference to school taxes, county and State taxes, the support of the poor, and State, district and county elections.

**To have general supervision.** SEC. 28. The legislative powers of the city government are hereby vested in the common council, which shall possess a general supervisory control over the officers, agents and employes of the city government; also over all boards and commissions of the city, and over the officers, agents and employes of said boards and commissions.

**Officers to take official notice of certain acts.** SEC. 29. The comptroller, treasurer, board of public works and all other officers and boards of such city, shall take notice officially of the acts and resolutions of the council and board of education, and said council and board of education shall in like manner take official notice of acts and resolutions of each other.

**Duties of aldermen.** SEC. 30. It shall be the duty of every alderman in said city to attend the regular and special meetings of the council; to act upon committees when thereunto appointed; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of him by this act.

**Council to fix salaries of officers.** SEC. 31. The council, except as herein otherwise provided, shall fix and determine the salary or compensation to be paid to the several officers and employes provided for in this act, or now or hereafter provided by any general law of the State, for whose salary or compensation the city is or may be made liable. The salary or compensation of all other officers and employes not herein specified shall be such sum or sums as the council shall direct. The salary or compensation of any officer or person elected, appointed or employed for a definite period of time shall not, after the election, appointment or employment of any such person, be increased or diminished for or during the period of time for which he is elected, appointed or employed, except by a two-thirds vote of all aldermen elect.

Council to have supervision of streets and sidewalks.

SEC. 32. The council shall have power to regulate the times and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, graveling, paving, planking, macadamizing or otherwise improving the streets or alleys of said city, and to provide for the regulation and construction, building, rebuilding and repairing of all sidewalks in said city; to provide for and regulate the establishment of the grades therefor, the kind or kinds, the manner of construction and the materials composing the construction thereof; the repairing and rebuilding of all sidewalks heretofore or hereafter built and constructed, and all other things in relation to constructing and repairing sidewalks, that the good and welfare of the people may require. The council may require that all sidewalks in said city or in certain defined districts or portions of the city shall be built and constructed of certain specified materials. It is hereby made the duty of all persons to keep in reasonable repair so that they shall be reasonably safe and convenient for public travel, all sidewalks in front of all lands or premises owner or occupied by him or them, and if any owner or occupant of any lands or premises in said city shall neglect or refuse to keep in repair, or shall suffer to be out of repair so as not to be in condition reasonably safe and convenient for public travel, any sidewalk in front of his or their lands or premises, such owner or occupant shall be liable to the city for all damages and costs recovered from and against said city, by reason of such sidewalk being out of repair; such damages and costs may be recovered by said city in any court of competent jurisdiction with costs of suit, and the judgment recovered against said city shall be conclusive evidence of the liability of such owner or occupant to said city: Provided, That notice of the pendency of any suit brought against the city for the recovery of such damages, shall be given such owner or occupant, or to the agent, if he can be found, of such owner, if such premises be unoccupied, and the owner thereof a non-resident, and he or they permitted to assist in the defense of such suit, if he or they so request.

Proviso.

Council to have supervision of railroads and street railways.

SEC. 33. The common council shall have power to authorize the running of railroads and street railways in the streets of said city, and may, as a condition of such use of the streets, require the corporation or persons owning such railroad or street railway to plank or pave so much of any street or streets so used as the council may deem just and proper; but before any railroad or street railway company shall lay any track or tracks upon any street or part of a street, such company shall procure and file with the recorder the written consent of at least three-fifths in number of the persons owning property fronting upon such streets or part of a street, that such company may lay its track or tracks thereon and operate the same. And as a further condition of the use by any railroad or street railway of any street or streets which may have been in whole or part paved, planked, or macadamized prior to such use by any railroad or street railway, the council

shall have power to require any corporation, or persons owning such railroad or street railway, to pay such proportion of the original cost of such planking, paving or macadamizing such street or streets as the council may deem just and proper. The moneys so paid to the city treasurer shall be distributed and paid over by him under the direction of the comptroller, to and among the property owners and municipal corporations originally assessed for the cost of such paving, planking or macadamizing, pro rata. The width of any right of way occupied by any such company shall in all cases be measured from a point distant one foot and two inches out from the outer side of the outermost rail on one side of the center of the street to a point distant one foot two inches out from the outer side of the outermost rail on the other side of the center of said street.

May prescribe certain regulations for.

SEC. 34. The council may require such railroads and street railways to use such rails and ties, to lay their tracks and construct their road upon such grade and in such manner as it may from time to time require; the council may also require any railroad company to use, erect and maintain such safety gates and other safety devices, to be constructed as it may require. The council may also regulate and fix the rate of fare on street and inter-urban railways; and it may make such other and further regulation in relation to the use of the streets by any railroad, street railway or inter-urban railway as it may deem proper. And in default of the performance of any of the conditions above mentioned and provided for, the council may cause any railroad, street railway or inter-urban railway now or which may be hereafter laid to be changed in its route and its rails and ties removed; and the council may use such force as may be necessary to enforce a compliance with the conditions above named, and with any request to remove such rails, ties or change such routes; and the council may further provide by ordinance such penalties as may be necessary to enforce a compliance therewith.

May change route of railroads, etc.

SEC. 35. Nothing herein contained shall be deemed to prohibit the council from changing the route of any railroad or street railway now in or hereafter to be laid in said city, when, in the opinion of the council, the people's good may require it: Provided, however, That nothing herein contained shall be deemed to deprive the owner or owners of any property abutting on any street or streets through which such railroad or street railway may pass, of his or her right of action against the person or corporation owning such railroad or street railway for damages incurred by reason of such use of any street or streets.

May lay out, repair, etc., streets, etc.

SEC. 36. The council shall have power to lay out, open, make, grade and repair streets, lanes and alleys and the same to alter and vacate, and to alter or vacate those already laid out: Provided, That before any street, lane or alley shall be vacated or altered, the person or persons applying therefor shall give public notice, specifying the time and place at which such application will be made, by causing the same to

Proviso.

be published in the official newspaper for three successive weeks, or by personally serving upon each owner residing in said city, or occupant of any lot contiguous to said street or alley proposed to be altered or vacated a copy of such notice. Upon the hearing of such application, all parties in interest shall be entitled to be heard in person or by counsel, and no street or alley shall be vacated except upon sufficient cause shown, and with the concurrence of three-fourth of all the aldermen elect: And provided further, That when any street or highway has once been graded, leveled, paved or covered with broken or pounded stone or other material, and the grade line thereof established, the said council shall not change or alter the grade line of said street or highway unless it has been first petitioned so to do by a majority of all the property owners on said street or highway. The council shall have power to regulate the use of all public highways, streets, avenues and alleys of the said city, subject to the rights of travel and passage therein. Whenever it becomes necessary, in laying out or opening any such highway, street, avenue, lane or alley, to take private property for that purpose, the same shall be done in the manner hereinafter provided.

Further proviso.

Sec. 37. The common council of Bay City shall have power Purposes for which may take property. to purchase or take private property for the public use and benefit in the following cases:

First, To open, extend, widen or straighten any public highway, alley or street in said city;

Second, To obtain sites for public buildings, to locate, establish or alter any sewer or drain;

Third, To obtain a site for a public market.

Sec. 38. Whenever the common council shall deem it necessary to take private property for public use for any of the purposes aforesaid, they shall give notice thereof to the owner, owners, or persons interested, or their agents or representatives, when said owner, owners or persons interested or their agents or representatives can be found within the county of Bay, and when said owner, owners or persons interested, or their agents or representatives cannot be found within Bay county, then by written notice posted in three public places in said city, at least three weeks next preceding the next meeting of said council for the purpose aforesaid. Said notice Notice of how given.

What to state.

shall state the time when, and the place where, the common council will meet to treat with the owner, owners, or persons interested, their agent or representative, for the property proposed to be taken. At such meeting of the common council, or at a subsequent meeting to which the subject matter is postponed, the council is authorized to treat with such person or persons for such property; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the common council to direct any justice of the peace of said city to issue a *venire facias*, commanding the chief of police of said city to summon and return a jury of twelve disinterested free-

When jury to be summoned.

**How em-paneled.**

holders of said city, to appear before the said justice of the peace, at a time and place therein to be stated, to inquire into and determine the necessity for using such property, and the just compensation to be paid therefor to the owner or owners of, or parties interested in said property, or premises; and in the empaneling of such jury, the right of challenge, enforcement of attendance and summoning of talesmen is hereby conferred as is provided by general law in this State for justice courts in civil cases, except that talesmen shall have the same qualifications required of jurors herein, and that no more than two peremptory challenges shall be permitted to the corporation, and a like number to the individual or individuals collectively, whose property is sought to be taken; and the challenge to the array shall be in writing, and shall specify the cause. The said jury, being first duly sworn by said justice, faithfully and impartially to inquire into the necessity for taking or using such property and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of, and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners or the parties interested in such grounds and premises, for their respective injuries, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and the determination of such jury as to the necessity of taking such private property for public use shall be final and conclusive:

**What to de-termine.**

Provided. That any party to said suit, considering himself aggrieved by such verdict and judgment, may, as to the amount of damages awarded, appeal from such judgment to the circuit court for the county of Bay, or to any court of competent jurisdiction, upon giving notice of his, her, or their intention so to do, to said justice, and filing a bond with said justice in the penal sum of two hundred dollars, with sureties to be approved by the justice, which bond shall be conditioned that the party appealing will prosecute the appeal to effect and pay any costs that may be awarded against appellants in the circuit court:

**Proviso as to appeal.**

Provided. That where Bay City appeals, the bond shall not be required. Said appellant or appellants shall cause to be filed with the clerk of the circuit court a transcript of the proceedings aforesaid, duly certified by said justice of the peace, within thirty days after the entry of the judgment of said justice the sum of three dollars for making the return to such appeal. Upon filing the justice's return as aforesaid, the circuit court shall have jurisdiction of the case.

**Proviso.**

The parties may proceed to trial by jury as to the amount of damages only, without reference to any term of court. The appeal of one or more persons shall not in any way affect said judgment as to the other persons interested therein who do not appeal. Upon the day which the said circuit court

**When circuit court to have jurisdiction.**

shall set for the trial of said cause, the sheriff, under sheriff, or deputy sheriff, of the county of Bay, shall make a list of twenty-four resident freeholders of the city of Bay City, and

**Jury, how em-paneled in circuit court.**

shall set for the trial of said cause, the sheriff, under sheriff, or deputy sheriff, of the county of Bay, shall make a list of twenty-four resident freeholders of the city of Bay City, and

the city attorney or his assistant, and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct, by a venire issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, the same shall be done by the judge of the court, and in case any of the persons summoned upon said jury cannot be found, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case, by said sheriff or other officer aforesaid, and the practice and proceedings under this act, except as herein provided relative to empaneling, summoning and excusing jurors and talesmen, and imposing penalties and fines upon them for non-attendance, shall be the same as the practice and proceedings of the circuit courts of the State relative to petit jurors in civil cases in such courts, except that peremptory challenges shall not be allowed. The said jurors shall be duly sworn to faithfully and impartially determine the just compensation to be paid for the property proposed to be taken, and having viewed the premises, if necessary, shall assess such damages as they shall judge fit to be awarded to the owner, owners or parties interested in such property, for their respective injuries according to their several interests or estates therein. The verdict or finding of said jury upon the question of damages shall be conclusive, and when the judgment in the circuit court shall not exceed the damages assessed before the justice by at least twenty-five dollars, or when said city appeals, if said judgment of the justice shall not be reduced, a like amount, then the party appealing shall pay all costs occasioned by such appeal, otherwise such appellant shall be entitled to costs. The council shall pay, or cause to be paid, the several sums awarded in either of the courts aforesaid out of the special improvement fund, if there are sufficient moneys in the treasury belonging to that fund to pay the same. If there are not sufficient of such moneys in said treasury to pay said award, the council is authorized to and shall cause an order to be drawn on such fund, with interest at six per cent, payable at some future day within one year from date, as a security to the person or persons to whom such compensation shall be awarded, for the amount of such compensation so awarded to him or them, and shall deliver the same to such person or persons, or his or their agent or attorney. It shall thereupon be lawful for said council to cause such grounds to be occupied for the purposes, aforesaid.

SEC. 39. Whenever the council shall deem it necessary to issue the bonds of the city for any purpose, the question of the issuing of said bonds shall be submitted to the electors of the city at the annual election in April, or at the general

What to determine.

Verdict to be conclusive.

Amount awarded, how paid.

Question of issuing bonds to be submitted to electors.

**Election, how conducted.**

election in November, and at least thirty days' notice of such submission shall be given immediately preceding said election, by publication in the official paper of said city, specifying the amount of and not exceeding fifty thousand dollars, and the object for which it is proposed to issue said bonds, except as herein otherwise provided. A separate ballot box shall be provided for the receiving of ballots, and the votes on said question shall be canvassed, declared and returned, and all things with reference thereto done in the same manner, as near as may be, as in the case of election of city officers. At the close of such election the inspectors of election shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the county clerk of Bay county: Provided, That not more than two such elections on the question of issuing bonds as aforesaid shall be held in any one year.

**Proviso.**

SEC. 40. Said loan or loans shall be secured by the bonds of the city, payable at such times, not less than ten years after the date of their issue, and shall bear such rate of interest, not exceeding five per cent per annum, as said common council shall determine. The said bonds shall be endorsed, "Bay City bonds," and numbered consecutively; and no sale thereof shall be negotiated at less than face value or par.

**Negotiated at par.**

The proceeds derived from the sale of said bonds shall be paid to the city treasurer, and by him placed to the credit of a fund to be known as the bond fund. No appropriation or payment out of said fund shall be ordered by the common council or made except for the purposes for which said bonds were issued.

**Council to provide tax for payment of bonds.**

SEC. 41. Whenever the council shall be authorized by a vote of the taxpayers, as provided in this act, they may issue the bonds of the city for the amount as voted, and provide for the payment of the principal and interest thereon, and for this purpose shall annually levy, assess and collect on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, taxes for this purpose, not to exceed in amount a sufficient sum to pay the interest accrued or to accrue on said bonds for the year for which said taxes are levied, and the principal as it shall become due.

**May make contracts for keeping of moneys.**

SEC. 42. The council shall have power to contract with any bank, banks, banker or bankers, in said city, for the safe keeping of public moneys belonging to, or in the custody of said city, and for the payment of interest thereon, at a rate not exceeding that established by law, upon such moneys of the corporation, or in its custody, deposited with such bank, banks, banker or bankers, by said city, or proper officer thereof, and such interest shall belong and be credited to the contingent fund of said city.

**To regulate use of Park ave. sewer.**

SEC. 43. The common council of said city is hereby authorized and empowered to, and shall license and regulate by ordinance the use of Park avenue sewer or drain, and no person shall be allowed to tap said sewer or drain, or to connect

any lateral sewer or private drain therewith, or make any use thereof, without first obtaining a license and paying therefor such sum or sums as said council shall by ordinance prescribe; and said council shall prescribe a fee to be paid before such license shall issue. The moneys derived from the licenses so issued shall be placed to the credit of said Park avenue sewer fund and shall be used towards payment of the principal and interest on said bonds. Said Bay City shall be in no wise liable to any person for damages resulting from the operation, defect or insufficiency of said sewer or drain or from the negligence or act on the part of any of its officers, agents or employes in its exercise of the powers hereby conferred.

Moneys de-  
rived from,  
how used.

## CHAPTER IV.

### EXECUTIVE OFFICERS—THE MAYOR.

SEC. 44. The mayor of the city, chosen and qualified as hereinbefore provided, shall be the chief executive officer of Bay City, and conservator of its peace. He shall be ex officio a member of the board of supervisors of Bay county, shall attend all meetings thereof and be entitled to vote upon all matters that may be brought before said board, and shall receive the same compensation therefor, to be audited by said board and paid by the county, as is authorized by law to be paid township supervisors; he shall also be ex officio a member and the chairman of all boards created under and by virtue [of] the provisions of this act, excepting the board of education, the board of assessors, and as herein otherwise provided.

To be chief  
executive of-  
ficer.

To be ex  
officio member  
of board of  
supervisors.

SEC. 45. It shall be the duty of the mayor to be at all times vigilant and active in causing the laws for the government of the city to be duly executed and put in force to observe the conduct of all subordinate officers in the government thereof, whether appointed by the council or any board or commission of Bay City, and so far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished.

To cause en-  
forcement of  
laws.

SEC. 46. The mayor may, at any time, call together the heads of all departments, or any other city officers, whether elected or appointed, for consultation and advice upon the affairs of the city; and at such meetings, and at all times, they shall furnish such information as to matters under their control as the mayor may request. It shall be the duty of the mayor to secure the honest, economical and efficient conduct of the entire executive and administrative business of the city, and the harmonious action of the different departments, the executive powers of the city being hereby vested in the mayor, except as in this act otherwise provided, to be exercised through the several officers and boards of the city, in their respective departments, who shall at all times be accountable to the mayor for the proper discharge of their duties.

Duties as ex-  
ecutive of-  
ficer.

**May call meetings of council.** SEC. 47. The mayor shall have power, whenever in his judgment the good of the city may require it, to summon meetings of the council and to report to them any violation of the laws, and communicate to them such information, and recommend such measures as may tend to the improvement and better government of the city, or such measures as he may deem necessary or expedient.

**May assume command of police.** SEC. 48. The mayor shall have power at any time in any emergency, of which he alone shall be the judge, to assume command of the whole or any part of the police force of Bay City.

**May remove officers.** SEC. 49. The mayor may suspend or remove any member of any board or commission, or any appointed officer or agent of the city, for good and sufficient cause, which must be assigned in his order of suspension or removal: Provided, however, That he shall communicate such order of suspension or removal, together with his charges against the person suspended or removed, to the common council within two weeks from the date of said order; and thereupon the person so suspended or removed shall be furnished with a copy of the said order and of the charges against him, allowed to be heard in his defense with the aid of counsel, and if said charges are found to be true, and are sustained by two-thirds vote of all the aldermen elect, then said order of suspension or removal shall stand and remain in full force, but not otherwise.

**Proviso.** SEC. 50. The mayor shall, by virtue of his office, be authorized to administer oaths and affirmations, and shall affix to all official certificates and conveyances the seal of the city. He shall sign all licenses or permits issued or granted by the council which shall be attested by the recorder.

**To preside over council.** SEC. 51. The mayor shall preside at all meetings of the council, but in case of absence, inability, neglect or refusal to perform the duties of presiding officer, the acting mayor shall preside and act in his stead; and in case of the absence, inability, neglect or refusal of both mayor and acting mayor to so act and perform such duties, the council shall have power to appoint a president pro tempore, who shall preside at such meetings. In case of the death, inability, continued absence or resignation of the mayor, or in case of his neglect, refusal or inability to perform the duties of his office, the same shall devolve upon the president of the council; and if there be no such president of the council, then the said duties shall devolve upon the president pro tempore of the council until such disability ceases, or until the vacancy is filled as provided by this act. The person upon whom such duties shall devolve shall be styled "acting mayor."

**Who to act in absence of.** SEC. 52. If the mayor, or acting mayor, shall file with the recorder his objections in writing to any ordinance, resolution or order of the council within three days after the passage of the same, setting forth his reasons for disapproving of the same; then such ordinance, resolution or order of the council shall not become operative or take effect, unless again

**Veto powers of.**

passed or adopted by a vote of two-thirds of all the aldermen elect. The recorder shall, at the first meeting of the council after such objections of the mayor or acting mayor shall have been filed with him, communicate and deliver the same into the custody and control of the council.

#### COMPTROLLER.

**SEC. 53.** The comptroller shall, at the end of the fiscal year ending March first, in each year, make out a detailed statement of all the receipts and expenditures of the corporation for the past year, which statements shall state particularly upon what accounts all moneys were received, and shall specify all appropriations made by the council during the year, and the particular purpose for which each appropriation was made. Such statement shall be signed by the mayor and recorder, and shall be filed in the office of the recorder. The comptroller shall cause to be published at least two hundred copies of a summarized statement under general heads of his annual report, together with such other annual reports as the council may order.

To make  
annual state-  
ment.

**SEC. 54.** It shall be the duty of the comptroller to keep the financial accounts of the city, to countersign all bonds, orders on the treasury, and all evidences of debts and transfers of property which the council is authorized to make pledging the faith of the city; to examine all accounts and demands against said city and certify to the council as to the correctness of the same, and when payment thereof shall be authorized by the council, to countersign and register the orders drawn therefor by the recorder upon the treasurer; he shall keep in proper books a record of all bonds issued by the city, with the number, amount and dates thereof, when issued, when payable, and of all coupons attached thereto.

To keep  
accounts,  
sign orders,  
etc.

**SEC. 55.** The comptroller shall in like manner keep an account of all funds, taxes, assessments, receipts and expenditures of the city, and at the end of the fiscal year in the month of March in each year, he shall make out and present to the council a full statement and balance sheet of the financial accounts of said city, as provided in this act, with such recommendations as may be proper to add thereto, and shall cause two hundred copies of a detailed statement of the same under the general heads, or as many more as the council may direct, to be printed in pamphlet form.

To submit  
annual bal-  
ance sheet to  
council.

**SEC. 56.** The comptroller shall sign all contracts and agreements on behalf of the city, except as herein otherwise provided, subject to the orders of the council; and shall make all purchases for the city or its officers, not otherwise herein provided for, whenever, and in the manner as shall be directed by the council; he shall be charged with the leasing, repairs, insurance and general supervision of the city property, not herein otherwise provided for, and for his information may require reports from all officers and persons having any city

To sign con-  
tracts, make  
purchases,  
etc.

property in charge or in his possession, and report the same when required by the council.

To have supervision of finances.

SEC. 57. The comptroller shall exercise a general supervision over the financial concerns of the city and keep complete sets of books exhibiting the condition of the city in its various departments and funds, its resources and liabilities, with a proper classification thereof, and of each fund or appropriation for a distinct object or class of expenditures.

To open accounts, charge taxes, etc., to treasurer.

SEC. 58. The comptroller shall open an account with the treasurer, in which he shall charge the treasurer with the whole amount of taxes, special or general, levied in said city, and placed in his hands for collection, all sums received for license rents and other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city of whatever nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection, and he shall charge all other officers of the corporation with all funds, moneys or property placed or being in their possession, and shall require a settlement with such officers at least once a year and not oftener than once a month. He shall also give the treasurer and all such other officers credit for all moneys disbursed upon showing proper vouchers.

Attach warrants to tax rolls.

SEC. 59. The comptroller shall make out and attach warrants to all tax rolls of the city, and shall perform such other duties as are or may be prescribed by this act or by any general law of the State, or by ordinance of the council not inconsistent herewith.

May administer oaths.

SEC. 60. The comptroller is authorized generally to administer oaths, affirmations, take affidavits, and to certify to copies of all papers in his office.

May appoint deputy.

SEC. 61. The comptroller shall have power to appoint a deputy comptroller and such other assistants as he may require, to be approved by the council, and make or revoke such appointments at his pleasure, which appointments and revocation thereof shall be made in writing and filed in the office of the recorder. Such appointees, before entering upon the discharge of their duties, shall take the constitutional oath of office, and, if required by the council, shall give bonds to the city for the faithful performance of their duties, and in such penalty as the council may require and approve. In case of the absence or inability of the comptroller to perform the duties of his office the said deputy shall discharge the duties thereof. In case of the absence, inability or failure of said comptroller, his deputy or assistants, to perform or discharge the duties of said office, the common council shall appoint some suitable person to discharge said duties, for such time as may be necessary, who, during such time, shall have all the powers and perform all the duties of the comptroller, or as much thereof as the council shall require. The comptroller of said city shall receive an annual salary of three thousand dollars, which amount shall be payment in full for all services required by this act, and by the council to be performed or rendered.

Deputy to act in absence of.

Compensation.

by said comptroller and his deputy and assistants or other persons discharging or performing the duties of said comptroller, except as in this act otherwise provided for services performed as a member of the board of supervisors of Bay county.

#### RECODER.

**SEC. 62.** The recorder is authorized generally to administer <sup>May administer oaths.</sup> oaths and affirmations and take affidavits.

**SEC. 63.** The recorder shall be clerk of the common council, and shall give bond for the faithful performance of his <sup>To be clerk of council.</sup> duties in such sum as the council may require; he shall keep the record of the proceedings of the common council. His salary <sup>Salary.</sup> shall be fifteen hundred dollars per year.

**SEC. 64.** The recorder shall open and keep books of account <sup>To keep books.</sup> and such other books of receipts and expenditures, in such form and manner as the council may direct.

**SEC. 65.** The recorder shall also perform for the city all <sup>To act as township clerk.</sup> such duties as township clerks are required by law to perform for the several townships in regard to filing and registering chattel mortgages and bills of sale, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State.

**SEC. 66.** The recorder shall also keep a record of all ordinances and of the time of their publication, which record shall be signed by himself and the mayor, and the recorder shall perform such other duties as are prescribed by this act, or any ordinance or resolution of the common council not in conflict or inconsistent herewith. <sup>To keep records of ordinances.</sup>

**SEC. 67.** The recorder may, subject to the approval of the council, appoint a deputy who shall possess and exercise all the powers and authority of the recorder, and may perform all the duties thereof, subject to the control of such recorder and such deputy shall be paid for his services such sum as the council may determine. The recorder shall be responsible for all the acts and defaults of such deputy and may remove him at pleasure. <sup>May appoint deputy.</sup>

#### TREASURER.

**SEC. 68.** The treasurer of the city shall be, by virtue of his <sup>To collect taxes.</sup> office, the collector of all taxes and assessments, both general and special, levied and made therein; and for that purpose, within twenty days after his election, he shall give bonds to the city in such sum and with such surety or sureties as the council shall require and approve; he shall also give to the treasurer of the county of Bay such further security as the council shall require and approve; he shall also give to the treasurer of the county of Bay such further security as is or may hereafter be required by law of the several township treasurers of this State, for the purpose of the collection and return of all such taxes and of the return of property delin-

**Proviso.**

quent for the non-payment of taxes; the said treasurer, on giving the bonds and surety so required, shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as the council shall require: Provided, however, The treasurer may sue in the name of the city any person to whom a tax on personal property is assessed, at any time within six years after the same was assessed. It shall be the duty of the treasurer to report to the council at the first meeting in October and January, all delinquent personal taxes.

**May appoint deputies.**

SEC. 69. The treasurer shall have power to appoint one or more deputies, to be approved by the council, and make or revoke such appointment at his pleasure, which appointment and revocation shall be in writing and filed in the office of the recorder, and the deputy may perform the duties of such treasurer, and said deputy, before entering upon the duties of his office, shall give bonds to the city in such sum and with such surety or sureties as the council may require and approve. The treasurer of said city shall receive an annual salary of three thousand dollars, which amount shall be payment in full for all services required by this act to be performed or rendered by said treasurer and his deputies and assistants or other persons discharging or performing the duties of said treasurer, except the payment for such services rendered by a member of the police force as provided in section seventy of this act.

**May appoint member of police as deputy.**

SEC. 70. The treasurer may designate and appoint a member of the police force of Bay City as deputy treasurer, for the purpose of collecting delinquent personal taxes. Such designation and appointment shall be made in writing, and be reported to and approved by the council; and thereupon such police officer shall be possessed of all the power conferred by law upon the treasurer to collect such delinquent personal taxes. The treasurer shall be responsible for the acts of such special deputy, who shall serve without compensation, other than that received as police officer.

**Term of office, duties, salary, etc.****CITY ATTORNEY.**

SEC. 71. The city attorney shall hold office for the term of two years and until his successor shall have been appointed and shall have qualified. In case of vacancy during said term a successor shall be appointed for the remainder of the unexpired term. In addition to all other duties prescribed by the provisions of this act, he shall be the legal advisor of the common council and all of the officers and boards of said city. He shall act as attorney and solicitor for the city in all legal proceedings in which it is interested, and shall prosecute all offenses against the ordinances of the city; he shall attend the meetings of the council, and the meetings of the different boards when required by them. He shall be ex-officio member of the board of supervisors of Bay county, shall attend all the meetings thereof and be entitled to vote upon all matters that

may be brought before said board and shall receive the same compensation therefor, to be audited by said board and paid by the county, as is authorized by law to be paid township supervisors. He shall also be paid by the city an annual salary to be determined by the council, but which shall be not less than twelve hundred dollars.

#### STREET COMMISSIONER.

SEC. 72. The street commissioner shall hold his office for the term of two years and until his successor shall have been appointed and shall have qualified. In case of a vacancy in said office, a successor shall be appointed for the remainder of the unexpired term. Said street commissioner shall be responsible for, and have the custody and control of all wagons, street rollers, sprinklers, horses and their equipments, scrapers, all tools, implements, materials and other property of every kind and description, belonging to said city, and used or to be used in, upon and for grading, sprinkling, cleaning, improving or repairing streets, alleys, or public places and sidewalks in said city. He shall superintend the repairing, and cleaning of all streets, lanes, alleys, bridges, sidewalks, crosswalks and drains within the limits of said city, and perform such other duties as are required by any resolution or ordinance now in force, or that may hereafter be adopted by the common council. When the council shall order or direct the making, opening, extension or grading of any street, lane or alley within the limits of said city, said street commissioner shall superintend the work thereof, under the supervision of the city engineer. Said street commissioner shall destroy or cause to be destroyed, all milk weed, Canada thistles and other noxious weeds, as provided by the general law of the State in relation thereto. He shall keep a record of all work performed in the street commissioner's department, which record shall show the date, nature and location of each piece of work performed, the names of the persons employed thereon, the time of employment of each person thereon, the cost of each such piece of work, and the date of the payment therefor; also a record of all the materials purchased for use in said department and an account of the use to which such material is put, designating the quantity, time and place of such use; and all such records shall be so kept and indexed that the facts so accounted and recorded may be readily and easily referred to. Before entering upon the duties of his office, and within twenty days after notice of his appointment, the street commissioner shall take the oath of office, and give such security for the faithful performance and discharge of his duties as the council may require and direct; but such security shall be for a sum not less than two thousand dollars.

Term of  
office, duties,  
salary, etc.

#### CITY ENGINEER.

SEC. 73. The city engineer shall make all surveys required for the laying out, construction, alteration, repair and im-

Term of  
office, duties,  
salary, etc.

provement of streets, sewers, sidewalks, local improvements, cemeteries, parks and grounds, and shall prepare all necessary plans, profiles and specifications therefor, and shall perform the city engineering work of said city, of every description, as may be required by the common council, the board of public works, or other lawful authority of the city. He shall examine into and keep a record of the condition of all local improvements ordered by the council, and all contracts let by the board of public works, and see that the same are properly executed according to the plans and specifications, and report to the board of public works failures to comply with the provisions of the law, and omissions in any such works. He shall be the engineer in charge of all local improvements under the direction of the board of public works, and shall establish all grades for the same; he shall be superintendent in charge of all local improvements, and shall give the same his personal supervision; he shall receive for his services an annual salary, to be determined by the council; he shall devote his entire time and attention to the duties of his office, and is hereby expressly prohibited from rendering any services except for the city. His term of office shall be for two years and until his successor shall have been appointed and shall have qualified. In case of vacancy during said term, a successor shall be appointed for the remainder of the unexpired term.

## CHAPTER V.

### WATER-WORKS COMMITTEE.

**Mayor to appoint.**

SEC. 74. The mayor shall annually appoint at the second meeting of the council in April or as soon thereafter as may be convenient, four of the aldermen of said city who, together with the mayor, shall constitute the water-works committee.

**Not to be interested in contracts.**

SEC. 75. The members of said committee shall receive no compensation for their services. No member of said committee shall be at any time interested directly or indirectly in any contract for labor, material or supplies for or on account of the construction, operation or repairing the water-works within and for Bay City.

**To appoint president pro tem.**

SEC. 76. At the first regular meeting of said committee after the mayor shall have made the annual appointments, it shall be the duty of said committee to appoint one of its members president pro tem., who shall hold such office for one year and perform such duties as are usually required of such officer, together with such other and further duties not inconsistent with this act as may be required of him by said committee. The said committee shall also, subject to the approval of the council have power and authority to appoint and employ such officers, agents and persons as in its opinion, may be necessary to enable them to manage in the best manner, the business under their charge. In appointing such officers and agents, said committee shall also have power and it shall be

**May employ assistants.**

its duty to take proper security, by bond or otherwise, for the due and faithful performance of their duties as such officers or agents: Provided, however, That said committee may, in its discretion, dispense with such security as to those officers and agents not entrusted with the collection or disbursement of funds.

SEC. 77. The said committee, under the direction and subject to the approval of the common council, shall have full, complete and entire charge, management and control of the planning, construction, operating and repairing of all works of every kind whatsoever, hereafter to be constructed or now used for the purpose of supplying Bay City and inhabitants thereof with water and it shall purchase all material and supplies therefor, including right of way for pipes, grounds for location of all necessary buildings and structures, and shall make all contracts pertaining thereto, subject, however, to the limitation in this act. The conveyances of such right of way and the title to such grounds, so purchased, shall be taken in the name of Bay City, and said water-works and everything appertaining or belonging thereto, shall be the property of said city, and all contracts and purchases made by said committee, shall be in the name of Bay City.

SEC. 78. When said committee shall have completed its plans and made their estimate of the cost of any new works they may propose to construct, it shall, before making any purchase or letting any contract in excess of two hundred dollars, therefor, report the same to the common council for its approval and the said committee shall at no time and in no event enter into any contract or contracts or in any way pledge the credit of Bay City for a greater sum than the amount placed at its disposal by the council, or by this act, to be known as the water-works fund.

SEC. 79. All moneys raised by loan or otherwise, for the construction, management and repairs of any and all works for supplying the city and the inhabitants thereof with water, as well as for the purchase of supplies, material, right of way and ground therefor, together with all sums in any way appropriated for that purpose, including all sums collected for water rates, shall be deposited with the city treasurer and credited by him to the water-works fund and shall remain to meet the liabilities incurred by said committee and shall not be withdrawn or used for any other purpose, unless otherwise ordered by the common council.

SEC. 80. The said water-works committee shall, at least once in each month, report to the common council the amount of disbursements and expenditures during the month last preceding, which report shall be published with the official proceedings of the council. It shall also report the nature, condition and progress of any work on contract undertaken or entered into by it, together with such other information relating to the business, or any part thereof under its control as the council may from time to time direct.

To have  
control of  
water works.  
*Proviso.*

To report  
estimates to  
council.

Appropriations  
to be  
credited to  
water works  
fund.

To make re-  
ports to  
council.

May extend  
water works  
outside city.

Proviso.

Council to  
make rules,  
etc.

SEC. 81. The said committee, when authorized by the council, shall have power to extend the distributing pipes, aqueducts and mains and erect hydrants without the limits of said city, and to regulate, protect and control such portions of such works, and the water supply therefrom, in the same manner as it may regulate, protect and control the works and the water supply within the city: Provided, That before any water shall be supplied to any person or persons residing outside the limits of the city, the entire cost of distributing pipes necessary to supply such person or persons, shall be paid to the city treasurer; and all such distributing pipes through which any water shall be supplied by said committee shall be the property of Bay City and form part of its system of distributing pipes. The common council shall have power to make proper rules and regulations, fixing the rates to be paid for water supplied, and prescribing the time and mode of collecting the same, regulating the manner of making collections, providing for the safety of the pipes and machinery, together with such other and further matters pertaining thereto as it may deem expedient.

## CHAPTER VI.

### THE BOARD OF PUBLIC HEALTH.

Council to  
appoint, term  
of office, etc.

SEC. 83. The council shall have power and it shall be its duty to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous business or avocation in the limits of said city. The council shall also have power and it shall be its duty to appoint, on the nomination of the mayor, at the first meeting in April, nineteen hundred and five, or as soon thereafter as may be convenient, four persons, electors and practicing physicians who, together with the mayor, shall constitute the board of health of Bay City. The four physicians first appointed shall hold their offices respectively for the terms of one, two, three and four years from the second Monday of April, nineteen hundred five, and until their successors shall have been appointed and shall have qualified, and annually thereafter, at the first meeting in April, or as soon thereafter as convenient, a member of said board with the like qualifications, shall be appointed by the council on the nomination of the mayor, who shall hold his office for the term of three years from the second Monday in April of the year of his appointment, and until his successor shall have been appointed and shall have qualified. Vacancies in said board shall be filled in the same manner that appointments are made, as herein provided.

Board to ap-  
point health  
officer.

SEC. 84. The board of health thus constituted for the purpose of organization and management of its department, shall have all the authority ordinarily pertaining to such bodies, and also to appoint one of their number secretary,

who shall be known as the health officer of Bay City. The health officer shall be selected with special reference to his knowledge of chemistry, hygiene and sanitary matters. Said health officer may be removed from office by the board of health, a majority of its members voting for such removal. The members of said board of health shall serve without compensation, but the health officer shall receive an annual salary, to be fixed by the council.

SEC. 85. Said board of health shall, on or before the twentieth day of July in each year, report to the comptroller, to be by him transmitted to the council, an estimate of the moneys necessary to defray the expenses of such board during the ensuing fiscal year. The council shall have power to raise, by taxation, the amounts so estimated, or such part thereof as may be approved, in the same manner as other general city taxes are levied and collected, and it shall have authority to make such ordinances, by-laws and regulations for the government of such board of health and for the preservation of the health of the inhabitants of said city, as shall insure a prompt and efficient discharge of the duties imposed upon the board by this act.

SEC. 86. The council shall also have power to pass an ordinance or ordinances providing for and requiring attending physicians and midwives, or the parents or parent to report or register all births within the limits of said city to the health officer thereof.

To make estimates.

Moneys, how raised.

Report of births.

## CHAPTER VII.

### THE FIRE COMMITTEE.

SEC. 87. The mayor shall annually appoint at the second meeting of the council in April or as soon thereafter as may be convenient, four of the aldermen of said city who, together with the mayor, shall constitute the fire committee. The common council shall, by ordinance, prescribe the powers and duties to be exercised by said committee and shall place under the supervision of said committee, subject to the discretion and control of the council, the care, control and management of the several hose houses, all fire apparatus and equipments belonging to said department, together with the management and direction of all officers, men, measures and actions for the prevention and extinguishment of fires in said city.

Appointment, powers and duties.

SEC. 88. The members of said committee shall serve without compensation, and no member thereof shall hold any other political office and they shall be exempt from jury duties while so serving. Every officer and employee of said department, now or hereafter appointed, shall hold office and retain his position during good behavior, and no such officer or employee shall be discharged except for cause, and after hearing before, an investigation by said committee, under such rules and regulations as the council may prescribe. Said committee, sub-

Compensation, term of office, etc.

ject to the approval of the council shall be the absolute and final judge as to the existence and sufficiency of cause for removal. No appeal from their decision shall be had, taken or entertained, and there shall be no review by certiorari or otherwise of their proceedings in relation to such hearing, investigation and removal or dismissal of such employes or officers.

## CHAPTER VIII.

### POLICE COMMITTEE.

**Mayor to appoint.**

SEC. 89. The mayor shall annually appoint at the second meeting of the council in April or as soon thereafter as may be convenient, four of the aldermen of said city, who, together with the mayor, shall constitute the police committee.

**Council to prescribe powers, etc.**

SEC. 90. The common council shall, by ordinance, prescribe the powers and duties to be exercised by said committee, and shall place under the direction of said committee, subject to the supervisory control of the council, the care, control and management of the police force, its organization, government, and discipline, and the custody and control of all public property, books, records and equipments thereunto belonging. The common council shall also, by ordinance, provide that said committee shall keep a written record of its proceedings, to be signed by the chairman and clerk thereof, which shall be open to public inspection at all reasonable times.

**When to meet.**

SEC. 91. Said committee shall meet on the second Tuesday of each month and at any other time when the mayor shall direct.

**Who to be clerk.**

SEC. 92. The recorder of Bay City shall be the clerk of said committee; and no member thereof shall receive any compensation for his services. The members thereof shall be exempt from military and jury service while so serving.

**Powers and duties.**

SEC. 93. No member of the police force of said city shall be removed without cause, and after a fair trial and hearing by said committee upon specific allegations, under such rules and regulations as the council shall prescribe. Said committee shall be final judge of the existence and sufficiency of any cause for removal of any such officer or employe, subject to the approval of the council. All police officers, other than the police commissioners, now in office in the city of Bay City and West Bay City, shall remain in office until removed for cause, except as in this act otherwise provided.

SEC. 94.

**Duties of chief regarding fires.**

SEC. 95. Upon the breaking out of any fire in said city, the chief of police shall immediately repair to the place of such fire and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same for which purpose, as chief of police, he may require and compel the assistance of all bystanders; and in the performance of his said duties, the chief of police shall, in all respects be subject to the order of the mayor.

## CHAPTER IX.

### ELECTRIC LIGHT COMMITTEE.

SEC. 96. The mayor shall annually appoint at the second meeting of the council in April or as soon thereafter as may be convenient, four of the aldermen of said city, who, together with the mayor, shall constitute the electric light committee. They shall appoint a secretary and cause to be kept, a record of their proceedings; said committee shall receive no compensation for services as members of such committee.

SEC. 97. The common council of said city shall, by ordinance, prescribe the powers and duties to be exercised by said committee, and by ordinance or otherwise place under the care and direction of said committee, the care, control and management of the electric light plants belonging to Bay City, under such rules and regulations as the council shall see fit to adopt. Any person holding any stock or shares, or being a partner, or directly interested in any electric light company, shall be disqualified from becoming a member of said committee, and from continuing to act as such.

## CHAPTER X.

### THE BOARD OF ASSESSORS.

SEC. 99. Two persons, being electors of Bay City, together with the comptroller, shall constitute a board to be known <sup>How constituted, term of office, etc.</sup> and called the board of assessors of Bay City. The council at its second meeting in April, nineteen hundred five, or as soon thereafter as may be convenient, shall appoint two electors, who, together with the comptroller, shall constitute the board of assessors of Bay City. The persons so appointed, shall be appointed and hold their offices respectively, for the term of two and four years from the second Monday in August, nineteen hundred five, and until their respective successors shall have been appointed, and shall have qualified; and bi-annually thereafter, at the second meeting in April, or as soon thereafter as may be convenient, a member of said board with the like qualifications, shall be appointed by the council, who shall hold his office for the term of four years from the second Monday in August of the year of his appointment, and until his successor shall have been appointed and shall have qualified. Vacancies in said board shall be filled in the same manner as appointments are made, as herein provided.

SEC. 100. The comptroller shall be the president of said board, and two members thereof shall constitute a quorum. <sup>Who to be president.</sup> The members of said board shall receive such compensation <sup>Compensation.</sup> as the common council may determine: Provided, however, That the comptroller shall not be entitled to any compensation <sup>Proviso.</sup> for services performed as a member of said board other

than his compensation as comptroller, as fixed under the provisions of this act.

To be members of board of supervisors.

Duties.

SEC. 101. The members of the board of assessors shall be members of the board of supervisors of Bay county, shall possess all the powers, discharge all the duties and be subject to all liabilities in, for and to the city, that are conferred and imposed upon supervisors of townships by the provisions of the general laws of this State; also by the provisions of the general laws in relation to the assessment and taxation of persons and property, so far as the same may be applicable, and except as herein otherwise provided. The board of assessors shall, in each year, in the manner provided in the general tax laws of this State, assess, at its true cash value, all the real and personal property subject to taxation within the limits of said city, and said board shall, before the time fixed for the first meeting of the board of review in each year, make out and complete the assessment roll, which shall be divided into separate books, one for each ward, to be provided for that purpose by the comptroller. If any lot, lots or other parcel of land shall lie partly in two or more wards, the same shall be assessed in the ward where the greater portion thereof shall be situated.

## CHAPTER XI.

### THE BOARD OF PUBLIC WORKS.

How constituted, term of office, etc.

SEC. 102. Two persons, being electors of Bay City, together with the mayor, the city engineer, and city comptroller, shall constitute a board to be known and called the board of public works of Bay City. The council at its first meeting in nineteen hundred five, or as soon thereafter as convenient shall appoint two electors, who shall be appointed and hold their offices respectively, for the term of one and two years from the second Monday in April, nineteen hundred five, and until their respective successors shall have been appointed and shall have qualified, and annually thereafter, at its first meeting in April, or as soon thereafter as may be convenient, a member of said board, with the like qualifications, shall be appointed by the council, who shall hold his office for the term of two years from the second Monday in April of the year of his appointment, and until his successor shall have been appointed and shall have qualified. Vacancies in said board shall be filled in the same manner as appointments are made, as herein provided.

Members not to hold elective office.

SEC. 103. No member of said board, other than the mayor and comptroller, during his term of office, shall hold any elective office under the charter of said city, nor shall any member be personally interested, directly or indirectly, in any contract for any public improvement in said city, nor in the purchase, disposition or sale of any material to be used or applied in or about any public works or improvement under the control or supervision of said board.

**SEC. 104.** The appointive members of the board of public works shall be paid for the time actually employed in the discharge of their duties, a sum to be fixed by the council, not exceeding three dollars per day: Provided, That no member of said board shall receive over one hundred and fifty dollars per annum for his services, not inclusive of his services as a member of the board of review. Each of said appointive members shall, before entering upon the duties of his office, execute a bond to the city conditioned for the faithful performance of his duties, which bond shall be given in the penal sum of one thousand dollars, shall be executed by one or more sufficient sureties, to be approved by the mayor. The comptroller may call meetings of said board whenever he may deem it necessary, and shall be secretary of said board.

To give bonds.

**SEC. 105.** The board of public works shall have the exclusive and entire charge and management of the construction of all main and lateral sewers, of the construction of sidewalks, of the planking, paving, macadamizing, or covering with pounded or broken stone, or any other material, of any street, alley or other public place, the expense of which, by this act, is made a charge upon the property especially benefited thereby. They shall have exclusive charge and management of all public buildings, and of the construction and erection thereof; and no contract for the construction of any such public buildings shall be let by the council, without the recommendation of said board. The said board shall have the power to employ any person or persons to inspect or supervise the construction of all local improvements, public works and public buildings, and to fix the compensation of the person or persons so employed, and the compensation so fixed and the amount due such person or persons shall be reported to the common council by said board and shall by said council be allowed and a warrant on the treasurer of said city shall be issued for such amount and paid.

**SEC. 106.** The board of public works shall perform such other duties as the council may direct; but said board shall not enter into any contract for making any public improvements unless authorized by the common council.

**SEC. 107.** The majority of said board shall constitute a quorum for the transaction of business.

**SEC. 108.** All contracts for local improvements, public works and public buildings, shall be made by said board, and shall be in the corporate name of the city, and shall be signed by the mayor and countersigned by the comptroller. All such contracts shall contain a covenant to pay all laborers employed thereon, and also for all materials used thereon, and the performance of such covenant shall be guaranteed by two or more sureties signing the contract, whose sufficiency shall be approved by the board of public works, but who shall not be liable beyond the amount of the price specified in the contract: Provided, The city shall not be liable for the sufficiency of the contractors or sureties. Laborers who may do work stipulated for in any such contract, and material men, who may have fur-

Powers and duties.

Contracts to be authorized.

Contracts how signed.

What to contain.

Proviso.

nished any materials therefor, may recover in an action in the name of the city, not exceeding the amount of the contract price (in which no costs shall be adjudged against the city.) Such suit may be brought in any court of competent jurisdiction. No action shall be brought for the benefit of laborers or material men on such contract, unless commenced within one year from the completion of said work.

Powers relative to work on contracts.

SEC. 109. Said board shall reserve the exclusive right and power, in all contracts for local improvements and public works and buildings, to determine finally all questions as to the proper performance of such contracts, and as to the completion of the work specified therein; also as to the meaning and interpretation of the terms and conditions thereof, and in case of dilatory, improper or imperfect performance thereof, to suspend the work at any time, to order the partial or entire reconstruction of the same if imperfectly done, or to relet the work covered by such contract, or any unfinished portion thereof, whenever, from unreasonable delay in performing the work, or other just cause, of which said board shall be exclusive judge, it shall deem said contract forfeited. And exclusive power is given said board to determine finally all such questions arising under any such contract heretofore or hereafter entered into, according to the true intent and meaning thereof.

To recommend payments on contracts.

SEC. 110. No claims shall be allowed or paid by the common council for labor or materials performed or furnished under any such contract for local improvements and public works or buildings, unless the payment thereof shall have been recommended by the board of public works. Said board shall have the exclusive power to determine the amounts due for the performance of such work, or the furnishing of such material, or for the performance of any such contract or part thereof; and no payment shall be made therefor unless recommended to the council by said board.

Procedure in case of disputes on contracts.

SEC. 111. In case of a dispute between the parties in and to such contract for local improvements or public works or buildings, the party or parties claiming under such contract shall have a hearing before said board; and the board shall cause notice of such hearing to be served upon all parties in and to such contract at least three days before the time fixed in such notice therefor. Such notice shall be personally served if such parties are residents of or can be found in the city of Bay City; but where such parties are non-residents of this city, service may be made by notice personally served, or by publication thereof in the official newspaper of said city for at least three days prior to the time fixed for such hearing, as said board may determine. At the time so fixed the board shall proceed summarily to hear and determine all questions, differences, grievances and claims of the several parties to such contracts, who shall be given an opportunity to be heard; and after such hearing the board shall make its decision and determination as to such grievances, differences and claims of the respective parties, and fix and determine finally the rights of the respective parties therein. Such decision shall be final.

## CHAPTER XII.

## LOCAL IMPROVEMENTS AND ASSESSMENTS.

SEC. 112. The council of said city shall have the power to establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city, and may regulate and maintain those already constructed.

SEC. 113. The expense of paving, macadamizing, planking or covering with broken or pounded stone, including the grading preparatory thereto of any street or alley, the expense of constructing any main or lateral sewer, and the expense of constructing any sidewalk shall be assessed upon the lots and premises specially benefited thereby, according to the benefits derived therefrom: Provided, That if such expense shall amount to a larger sum than would be properly chargeable upon such lots or premises according to the benefits actually derived, then the excess of such costs over the benefits to accrue to such lots and premises, according to the assessment of the comptroller, shall be chargeable to the city at large and paid out of the general fund: Provided, further, That if the excess cost of any such improvement over the amount properly assessable upon such lots and premises, shall exceed thirty per cent of the total cost of the improvement of such lot or premises, that fact shall be certified by the comptroller to the council, and thereupon all further proceedings in the making of such improvements shall be suspended until such time as the benefits to accrue on the lots and premises to be assessed therefor shall, in the judgment of the comptroller, equal at least seventy per cent of the entire cost of such improvements: Provided, further, That the cost of grading, paving, planking, macadamizing or covering with broken or pounded stone, at the intersection of any cross streets or alley crossings, shall be paid out of the highway funds of the ward in which said work is located: Provided, further, That whenever any street railway company shall be required, by ordinance or resolution of the common council, to pay the cost and expense of grading, draining, paving, macadamizing or planking its right of way, the board of public works shall estimate the cost thereof and submit the same to the council for its approval; after such approval and after letting the contract for such work, the comptroller shall set down and assess in the local tax roll for the paving, planking or macadamizing of the street on which is such right of way so required to be paved, planked or macadamized, the amount including contract price, cost of superintending and advertising made chargeable against such street railroad company for such work. The amount so assessed against such street railroad company shall be, after the review of such local tax roll, a lien on the right of way, the rails, road, cars and property of such street railway company; and such tax and assessments

Council to establish sewers, etc.

Expenses, how assessed.

Proviso.

Further proviso.

Proviso as to crossings.

Further proviso.

Assessment to be lien.

shall be payable in the same manner, and when paid placed in the same fund as other local improvement taxes; and like proceedings, shall be had and taken so far as practicable, regarding the assessment, the review, the collection and return of the tax so assessed, as in case of taxes for local improvements assessed according to benefits.

**Work, how let.**

SEC. 114. For the purpose of making any assessment for the cost of grading, paving, planking, macadamizing, or covering with broken or pounded stone, any street or alley, the work for such assessments shall be bid for and let separately, so that such bidding and letting shall show:

**To show cost of paving, etc.**

First, The cost of paving, grading, planking, macadamizing, or covering with broken or pounded stone, any street or alley, except that of intersections of the cross streets and alleys, and the cost of the crosswalks at each intersection;

**Of intersections.**

Second, The cost of grading, paving, planking, macadamizing, or covering with broken or pounded stone, of the street included within the lines of intersection of any cross street and alley;

**Of cross-walks.**

Third, The cost of crosswalks at such intersection: Provided, In case where a side street merely opens upon and does not extend across the street to be paved, macadamized, graded, or covered with broken or pounded stone, the space formed by extending the line of the former street or alley to the middle of the latter street, shall, for the purpose of this act, be treated as the spaces formed by the intersection of cross streets;

**Proviso.**

Fourth, The cost of grading, draining, planking or macadamizing of any street railway right of way, if the expense of so doing shall have been required to be paid by any such company by ordinance or resolution of the council.

**Street railway right of way.**

SEC. 115. All necessary platforms, grading and curbing shall be deemed to be included as paving, planking, macadamizing, or covering with broken or pounded stone.

**Grading, curbing, etc., what deemed.**

SEC. 116. The council shall not order any street paved,

planked, macadamized, or covered with broken or pounded

stone, or other material, nor any sewer, or sidewalk constructed,

**Proviso.**

except by a three-fourths vote of all the aldermen elect: Provided, That only a majority vote shall be required, whenever any such improvement is petitioned for by a majority of the resident taxpayers, as appears from the last assessment roll, whose property will probably be liable to assessment for such improvement.

**Council to direct work.**

SEC. 117. Whenever the council shall order the construction of any sidewalk, or any main or lateral sewer, the planking, paving, macadamizing, or the covering of any street with broken or pounded stone, the expense whereof is by this act made a charge upon the property specially benefited thereby, they shall order the work to be done and designate the place where it is to be performed, and the council may give such other directions about said work as they may deem best.

**Who to estimate cost.**

SEC. 118. Whenever the council shall order the performance of such work, the board of public works shall proceed to estimate the cost of such work, and may cause surveys, plans and

specifications to be made, and report the same to the council with such other recommendations as it may deem advisable. As soon as the cost of such work shall be estimated by the board of public works, approved by the council, and the contract let for the performance of such work, the comptroller shall prepare a tax roll, in which roll he shall set down the description of all the lands and premises he deems to be especially benefited by the proposed work, and the amount chargeable and assessed against each description of property in the manner provided in this act, which amount shall include the contract price of construction, and the amount as estimated by the board of public works for surveying, superintending, construction and advertising, exclusive of the intersection of any cross-walk, and alley crossing. Also set down in such tax roll the amount, including contract price, cost of superintending and advertising, made chargeable against the various ward highway funds, designated in the ward or wards, which such amount appropriated to the city and highway funds, shall be reported to the common council and payable to the contractor by orders on the respective city and highway funds as the work progresses, on the certificate of the engineer in charge.

SEC. 119. Upon the completion of such roll, the comptroller shall place the same before the board of public works. The said board shall revise and correct the said roll, supply any deficiencies and make any changes it deems best. The comptroller shall thereupon cause notice to be given of the time and place when and where the said board of public works will meet to hear and decide upon objections which may be made to said roll by persons deeming themselves aggrieved thereby; such notice may be addressed to the persons whose names appear upon said roll and to all others interested therein; it shall describe generally the character of the work for which the tax is levied, and the place where the work is to be done. The following form of notice may be used:

#### NOTICE OF SPECIAL ASSESSMENT.

To A.....B.....C.....D..... and to all other persons Form of interested:

Take notice that the board of public works of Bay City will meet at the office of the board of public works of said city, on the .....day of .....19...., at ....o'clock....M., to hear and decide upon all objections which may be made by persons deeming themselves aggrieved by a local tax about to be assessed for the purpose of paying the costs of (e. g., constructing a sidewalk on the east side of Washington street, between Center street and Sixth street in said city) (or constructing a sewer on Fifth street, between Washington street and the Saginaw river) (or for paving Water street, between Third street and Twenty-third street).

Date.....

E.....F.....,  
Comptroller.

When and by whom tax roll, to be prepared.

Who to revise roll.

Notice of meeting to hear objections.

**Notice to be published.**

SEC. 120. The comptroller shall cause such notice to be published in the official newspaper for seven days preceding the time fixed for such meeting, and to be posted in the city hall lobby, and in or near the court house in said city, and near the site of the said proposed work in some public and conspicuous place. At the time and place appointed therefor, or at such other time and place to which said board may adjourn, the said board shall sit and hear any objections to said assessment which may have been made by any person deeming himself aggrieved thereby, and shall decide upon the same. Any member of said board shall have power to administer an oath and to examine witnesses in relation to the matters involved in such objection. Said board, upon cause shown may, at the time of said meeting, diminish or correct any assessment or description appearing upon said roll: Provided, however, That if the amount assessed upon said roll against any description of property shall be diminished, the amount of such diminution shall be divided and added ratably to all the assessments upon said roll. They shall continue in session for at least one day, and for such longer time as may be necessary. After the said board shall have reviewed and approved said assessment roll, the comptroller shall endorse thereon the words, "local tax roll for (e. g., paving Water street, between Sixth and Tenth street), (or e. g., sidewalk on south side of Twenty-third street between Water street and Broadway, as the case may be)," as approved by the board of public works (e. g., July fifteenth, nineteen hundred.....fixing time).

**Proviso.**

**Roll, how endorsed.**

Date.....

E.....F.....,  
Comptroller.

**Amount assessed to become lien.**

Said roll, when so endorsed, shall be *prima facie* evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof, and of the validity of said tax and tax roll. The amounts so assessed upon any real property shall, as soon as said roll is approved, become a lien on such real property, and the lien for such amounts and for all interest and charges thereon, shall continue until the payment thereof.

**Roll to be delivered to treasurer.**

**To notify persons assessed.**

**When comptroller to annex warrant.**

SEC. 121. After the tax roll has been so approved, the comptroller shall deliver such roll to the treasurer, who shall retain the same in his hands for a period of thirty days from and after the first day of the next calendar month ensuing, during which period he shall receive all voluntary payments. He shall cause notice to be mailed to all persons assessed on said roll, notifying them that such roll is in his hands, and that he will receive all voluntary payments thereon without interest until the time herein provided for the return of the same to the comptroller. At the expiration of said time the treasurer shall return said roll to the comptroller, whereupon the comptroller shall immediately annex thereunto a warrant directed to the treasurer of said city, substantially in the form following, viz.:

To the treasurer of Bay City:

Form of.

You are hereby commanded to collect from the several persons named in the annexed tax roll, the several sums mentioned in and set opposite their respective names in the..... column thereof (if payable in installments, designating numerically the several installments and the column of the roll in which each installment shall be collected) and to retain the same in your hands for the purpose of paying costs of (e. g., paving Water street from Third street to Sixth street; or such other local improvements as the case may be). You shall add to and collect upon all taxes assessed upon said roll, interest at the rate of five per cent per annum from the date hereof until said assessments are due and payable, and after the same are due and payable, add thereto and collect interest at the rate of one per cent per month therefrom until the time of payment thereof, or until put in the general county roll, as prescribed by law.

You are further commanded to make return of (said roll, or said roll and the several installments thereof, as the case may be), according to law, on the (if assessment is payable in one installment, upon a date certain, specify it, two calendar months from date of warrant; if for two or more installments, insert the following: "Several dates hereinbefore specified for the collection, respectively, of said installments").

Dated.....A. D. 190.....

G.....F. A. ...., Comptroller.

SEC. 122. Upon receiving the said roll and warrant the said city treasurer shall proceed to collect of the several persons named in the roll the amount assessed against them thereon, as commanded by said warrant. In case any person named in said roll shall neglect or refuse to pay his tax, it shall be the duty of the treasurer to levy the same by distress and sale of the goods and chattels of such person, wherever the same may be found within the county of Bay. In the event of any property being seized by the treasurer as above described, he shall proceed to advertise and sell the same, in the manner provided by law for the sale of chattels seized by the treasurer under a warrant annexed to a city tax roll.

SEC. 123. Whenever any tax assessed upon such roll shall be paid the treasurer shall give a receipt therefor and note the fact upon the roll, as provided in this act.

SEC. 124. The treasurer shall collect interest on all the taxes delinquent after the date of the warrant; such interest shall be computed at the rate of one per cent, for each calendar month, or fraction of a month, which shall elapse between the date of the warrant and the time of payment (e. g., if the last date fixed in such warrant be the first day of July, one per cent interest shall be added to and collected upon all taxes assessed on said roll, paid during the month of July, and two per cent upon all taxes paid during the month of August next follow-

ing). The treasurer, at the expiration of two calendar months from the date of said warrant, shall return said roll to the comptroller.

Treasurer to make statement of unpaid taxes.

SEC. 125. At the time fixed in said warrant for the return of said roll, the treasurer shall return the same to the comptroller, with a statement thereto attached, wherein he shall state substantially that the amounts so returned as unpaid, remain unpaid by reason of the treasurer being unable, after diligent inquiry, to find sufficient personal property on which to levy and collect such taxes; which statement and return shall in all cases be made under oath and filed in the office of the comptroller. On the return of such rolls as above provided for, the comptroller shall immediately transcribe such descriptions of property upon which the several amounts of taxes appear on said roll unpaid, with the accrued interest added thereto, in a book provided and kept for that purpose. The comptroller shall deliver such transcript to the treasurer, to whom any person or party in interest may pay such unpaid tax or assessment at any time before it is put in the general county roll as provided hereinafter, by paying to the treasurer the amount of the taxes so assessed against him or his property, together with interest at the rate of one per cent per month, or fraction of a month, the same to be added and computed from the day of the month on which said transcript was delivered to the treasurer to the date of payment. Said transcript shall be returned to the comptroller on the first day of November next following, who shall proceed to add the interest accrued as above and shall assess the same against the same descriptions and property in the county tax roll, and such taxes shall then be levied, collected and returned, and the said premises may be sold for the non-payment thereof, as provided by law for the non-payment of other taxes. No tax levied or assessed under this act shall be rendered invalid by reason of the treasurer neglecting to swear to or file the statement required by this section, or by reason of the treasurer, not making such levy as sworn to by him.

When transcript returned to comptroller.

SEC. 126. If any local improvement tax assessed upon any local tax roll against any person or upon any property shall remain unpaid at the time of the return of such local tax roll or transcript to the comptroller, the comptroller shall compute the interest due upon such tax up to the return day of the transcript, as provided in this act, and the amount of such tax and the interest thereon shall be entered and assessed on the county tax roll against the same person or upon the same property. The different taxes to be assessed upon said county roll shall be entered in different columns as follows: The State tax in a column headed, "State Tax," county tax in a column headed, "County Tax," and school tax in a column headed, "School Tax," and all other taxes of whatever name and nature in a column headed, "City Tax."

Council may set aside local tax roll.

SEC. 127. The council may set aside any local tax roll at any time before the same is delivered to the treasurer and direct the making of another. In the event of

the tax assessed upon a local tax roll proving insufficient to pay for the work for which it was assessed, the council may order a supplementary tax roll to be made out, for the purpose of supplying such deficiency. Such supplementary local tax roll shall contain the names of the same persons and the same descriptions of property as are set down in the original local tax rolls made out for the purpose of collecting money to pay the costs of the public work in question, as provided in this act. Said deficiency shall be taxed and assessed against each description of property upon such supplementary roll ratably, according to and in proportion to the amount assessed against the same description of property in such original roll.

SEC. 128. Whenever a new local tax roll or supplementary local tax roll shall be directed to be made in the manner hereinbefore provided, it shall be the duty of the comptroller to prepare the same, and thereupon the same proceedings shall be had, the same duties performed, and the same authority be possessed by the comptroller, the board of public works and the treasurer, respectively, in respect to such new roll or supplementary roll, as herein provided respecting the original of such local tax rolls.

SEC. 129. The council may, at any time stop the work of any local improvements or other public work, and change the plans thereof; and it may suspend the collection of any local tax by a two-thirds vote of all the aldermen elect.

SEC. 130. Whenever the council shall order the paving or macadamizing of any street or alley, or covering the same with pounded or broken stone, or the construction or building of any main sewer, the cost whereof is to be paid by a local tax assessed according to the benefits, it shall also direct that the several assessments therefor be divided into five equal installments, payable annually. When it shall order the construction or building of any lateral sewer or permanent sidewalk, or any sidewalk which by ordinance may be designated as a permanent walk it may order that the assessment levied for the cost of construction thereof be divided into not more than three equal installments, payable annually. All other local improvements shall be levied and collected in one installment as hereinbefore provided. When any assessment is ordered payable in installments, a tax roll for such improvement shall be made out by the comptroller, showing in separate columns the amount of each installment, as provided for by the common council. Such tax roll shall be delivered to the city treasurer and by him retained for a period of thirty days from and after the first day of the next calendar month after the delivery of such roll to him, during which time he shall receive all taxes thereon that may voluntarily be paid to him, at which time said roll shall be delivered to the comptroller, who shall attach his warrant thereto and deliver said roll to the treasurer, commanding him in said warrant to collect, on or before two calendar months, the first installment on said tax roll, with interest thereon at the rate of one per cent per month or fraction of a

Proceedings  
on making of  
new rolls.

Council may  
change plans  
of public  
works.

Council to  
divide tax into  
installments.

Rolls to show  
installments.

To whom  
delivered.

**Interest on installments.** month. He shall further command said treasurer to make collections of each installment as provided in the resolution ordering the same, with interest thereon at the rate of five per cent per annum, from the date of said warrant to the time of the installments respectively, as they become due and payable, unless sooner paid, in which case interest shall be computed and collected to the time of payment; after each installment shall become due and payable, to add thereto and collect one per cent interest for each month, or fraction of a month, from the time each installment shall become due and payable to the time such installment is transferred into the county roll. Each installment of such assessment shall become due and payable as follows: The first, at the date of the warrant; the second and third, or more as the case may be, in one, two, three or more years, respectively, from the date of the warrant: Provided, however, That any assessment may be paid to the city treasurer at any time before it shall become due and payable, with interest thereon at the rate of five per cent per annum from the date of the warrant to the time of payment: Provided further, That when an assessment is levied to be paid and collected in installments, the proceedings therefor shall be the same as upon assessment rolls, except that but one roll therefor shall be made, and the several installments shall be designated numerically, and entered in columns prepared for that purpose. Said roll shall be delivered to and returned by the treasurer, and proceedings had with reference to each of said installments, as though a roll had been prepared for each of said installments. At the expiration of the time provided for the collection of each installment, the comptroller shall make a transcript of so much of said installments as remains delinquent, with interest at the rate of one per cent per month, or fraction of a month, and the same proceedings had as in this act provided, regarding transfers of local improvement taxes to the county tax roll, and these shall be added to the city taxes in the county tax roll.

**When treasurer to place moneys to credit of fund.** SEC. 131. As soon as any local tax roll shall have been approved by the board of public works and delivered to the treasurer for collection, the treasurer shall pass from the moneys to the credit of the bond and interest local improvement fund, to the local tax roll fund for which taxes were assessed in such local tax roll, to defray the expenses of any special improvement, a sufficient amount to fill the same, which shall be payable on the presentation to the treasurer of warrants drawn on said fund as in this act provided.

**Moneys collected by tax, how transferred.** SEC. 132. Whenever any moneys shall have been collected on any local tax rolls and credited to the local tax roll fund for which the same was collected, such moneys shall be immediately transferred by the treasurer to the credit of the bond and interest local improvement fund; and whenever any moneys are collected on the county tax roll and are credited ratably to any local tax roll funds, the treasurer shall immediately thereafter credit such moneys to the said bond and interest local improvement fund, in order to create and main-

tain a fund for the payment of the bonded indebtedness on local improvement bonds.

SEC. 133. Before the twentieth day of July in each year, and not later, the comptroller shall report to the council the additional amounts to be spread on general roll. the amount required to meet the payment of the bonds issued as aforesaid for local improvements, together with the interest thereon, maturing in the succeeding year, and all interest accruing and to become due on all such outstanding bonds in said year. Whereupon the council may order such amounts spread on the general assessment roll of the city; as provided in this act for other city taxes. In case at any time there shall be a surplus in said bond and interest local improvement fund, after the payment of the bonds and interest thereon, the same shall be credited to the city general fund. The bonds so issued with interest thereon, and all interest on bonds outstanding, shall be paid as they become due out of the fund herein provided.

SEC. 134. Upon the approval by the council of the report of the board of public works, of the amount due for the construction of any sewer, or grading, paving, macadamizing or otherwise improving any street, the expense of which is a charge upon the property benefited thereby, the recorder shall issue a warrant countersigned by the comptroller, to be drawn upon the fund assessed and levied to defray such expense, which warrant shall, from sixty days after the date thereof, draw interest at the rate of six per cent per annum, payable out of the interest collected upon the tax assessed for the construction of the improvement, upon which fund said warrant shall be drawn: Provided, Said interest shall not be paid from any other fund, and all interest shall cease when there is sufficient money in the fund for the payment of said warrants with interest thereon.

SEC. 135. No tax assessed under this act shall be rendered invalid by showing that any paper, certificate, return, affidavit, bond or record required to be made, filed or entered in any office or place, is not found in the office or place where the same ought to be filed, entered or found, but until the contrary is proven, the presumption shall be in all cases that such paper, certificate, return, affidavit, bond or record was made, filed or entered as required by law in the proper office or place.

SEC. 136. Any omission to comply with the requirements of the law in relation to any of the following matters, shall in no way affect the validity of any tax assessed in said city, or any proceeding instituted to enforce the collection thereof, provided such tax be in other respects lawful, to-wit: In assessing property as belonging to a resident person, or as belonging to a non-resident person; in giving, publishing or posting either of the notices provided in this act, in the meeting of the board of review during the first week in which it is required to meet; in the action of the board of review, or in the keeping of its records; in making indorsement upon tax rolls, as required by this act; in the performance of any act at a particular time, provided the same be done afterwards, and

Tax not to be invalidated by failure to find records.

Certain omissions not to affect tax.

provided, further, that it does not appear that the taxpayers whose tax is in question have been injured by such delay; in assessing taxes in different columns on a tax roll; in the description or name of any person; in the description of property; in the form or substance of any warrant annexed to a tax roll; in computing interest upon a tax; in making a record of any act or fact; in preserving evidence of any act or fact in any other matter, unless such omission will impose upon the taxpayer more than his fair share of the public burdens.

When council  
may cause  
new assess-  
ment roll to  
be made.

Proviso.

Further  
proviso.

Expense of  
repaving, how  
paid.

SEC. 137. In case any special assessment heretofore or hereafter made for the cost of constructing any public work, shall in the opinion of the common council be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the common council shall, when such public work or any part thereof has been constructed or the contract let for the construction thereof, and may, when no contract shall have been let, and no work shall have been done or performed upon such public work, have power to cause a new assessment roll to be made as often as necessary, for the same purposes for which the former assessment was made, whether any part of such former assessment has been paid or not. All the proceedings for such assessment and for the collection thereof, shall be conducted as near as may be in the same manner as provided for the original assessment: Provided, That if the irregularity or informality, for which any assessment is declared or adjudged invalid, consists of any omission or deficiency, such omission or deficiency shall be supplied by the common council, the board of public works, the comptroller, or the treasurer, as the case may require, if the same can be done without prejudice to the person or persons assessed: Provided further, That no judgment or decree of any court, nor any act of the common council rejecting or vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such amount of assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon. If at the time of the making of the original assessment, there shall have been no specific law requiring the matter or thing, which on account of the omission or insufficiency thereof the assessment shall be deemed invalid, it shall nevertheless be supplied in such manner as shall be directed by the court or common council. Whenever any sum or any part thereof, levied upon any premises in the assessment so set aside, shall have been paid, the payment so made shall be applied upon the re-assessment on such premises, and the re-assessment shall to that extent be deemed satisfied. When no re-assessment shall be made the moneys so paid shall be refunded.

SEC. 138. The expense of repairing any street heretofore or hereafter paved, planked, macadamized, or covered with broken or pounded stone, and the expense of repairing any sidewalk

or sewer heretofore or hereafter constructed, shall be paid out of the highway fund of the ward or wards in which said street, sidewalk or sewer is situated: Provided, That the same may be rebuilt at the expense of the property especially benefited thereby, as provided in this act. The decision of the council as to what is repairing or rebuilding shall be final.

SEC. 139. The board of public works shall, before the first day of July in each year, report to the council what amount of special improvements, the cost of which is payable by the property specially benefited thereby, as in this act provided, will, in their judgment and opinion, be necessary or be required to be made, built or constructed during the ensuing year. Upon the receipt of such report and estimate, the council may decide what amount, in their judgment and discretion, they deem necessary to be raised, by issuing bonds therefor, for such purposes during said year.

SEC. 140. After such judgment and determination by the council, which shall be entered at large upon the record of their proceedings, and in order to defray the expense of the paving, macadamizing, planking, covering with broken or pounded stone, or any other material, including the preparatory grading thereof, of any street or alley, the expense of constructing any main or lateral sewer, and the expense of constructing any sidewalk, together with the cost of superintending any such work, in anticipation of the collection of the assessments and taxes to defray the expense thereof, the council may from time to time, by resolution, authorize and direct the mayor and comptroller of said city to borrow such sum or sums of money as may be necessary for such purpose, not exceeding seventy-five thousand dollars in any one year and to issue the bonds of the city therefor, bearing interest at a rate not exceeding five per cent per annum, payable semi-annually. The said bonds shall be endorsed "Local Improvement Bonds," and shall be numbered consecutively. No sale thereof shall be made at less than face value, or par, and the proceeds derived from the sale thereof shall be paid to the city treasurer, and by him placed to the credit of a fund to be known as the "bond and interest local improvement fund." All said bonds shall be paid at maturity, and the council shall not have power to reissue the same bonds, nor issue bonds to take up the same bonds except as herein otherwise provided: And, provided further, That no more than two hundred and twenty-five thousand dollars of such bonds shall be issued and outstanding at any one time.

*Proviso.*

*Board of public works to report to council.*

*When council may authorize issue of local improvement bonds.*

## CHAPTER XIII.

### GENERAL TAXATION.

SEC. 141. For the purpose of defraying the expense and liabilities of the city (except the bonded debt thereof and interest thereon), and paying the same, the council may raise

*Amount of tax council may raise.*

annually, by tax levied upon the real and personal property within said city, such sum as it may deem necessary, not exceeding two per cent, aside from the school tax, on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll for said year.

**Question of  
raising larger  
tax to be  
submitted to  
electors.**

SEC. 142. If the council shall deem it expedient for the purposes of the city to levy a larger tax than is allowed by the preceding section, it may, by giving ten days' notice, by publishing the same in the official newspaper published in said city, and by posting a notice thereof in each ward of the city, in some public place therein, call a meeting of the inhabitants of said city, at some place therein, who may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sums as the meeting shall direct, and such tax shall be levied, assessed and collected in the same manner as is provided for the levying and collecting of other taxes mentioned in this act: Provided, That no person shall vote at such meeting who is not a property holding taxpayer in said city.

**Proviso.**

**When city,  
highway, etc.,  
taxes to be  
raised.**

SEC. 143. On or before the twentieth day of July in each year, or as soon thereafter as the board of assessors shall have completed the assessment roll for said year, the council shall, by resolution, direct the amount of money to be raised by taxes in said city for the current year, for said city, highway, special improvements, street openings and other purposes, not exceeding the amount the council is authorized, by section one hundred and forty-one, to raise for such purposes: Provided, That no school tax shall be voted by the board of education, except by a vote of a majority of all the members elect thereof. The board of supervisors of Bay county shall have no power to direct the amount of money to be raised in said city, upon the city tax roll for city or school purposes, except to order the re-assessment of rejected taxes.

**Proviso.**

**Aldermen to  
recommend  
tax to be  
raised for  
highways in  
wards.**

SEC. 144. It shall be the duty of the aldermen representing each ward in said city to recommend to the council the amount necessary to be raised in their wards respectively for highway purposes, not exceeding however, one per cent upon the assessed valuation of the real and personal property within such ward, according to the valuation thereof, taken from the assessment roll for such year, which amount, if approved, the council shall order to be raised; but in case the council does not approve of the same, or in case the aldermen from such ward neglect or refuse to make such recommendation, the council shall order such sum within the limits above specified, as it may deem necessary, and the several amounts so ordered shall be assessed and collected in the same roll and in the same manner as city taxes. The several amounts so raised and collected shall, by the treasurer, be placed to the credit of the highway fund of the ward in which the same was assessed, and shall be expended for highway purposes in such ward: Provided, That in assessing property in said city for ward purposes, the same, when situated in more than one ward, shall

**Amounts, how  
credited.**

**Proviso.**

be assessed in the ward where the greater portion of such real estate is situated.

SEC. 145. The council shall have power to levy, assess and collect the annual tax or assessment on all lots, premises or subdivisions thereof not using or taking water, fronting upon or adjoining any line of water pipe, of three cents per lineal foot front; and if not subdivided, three dollars per one hundred feet front, the amount thereof, when collected, to be credited to the water-works fund: Provided, That any lot or premises fronting upon or adjoining more than one line of water pipe shall be assessed for only one of such lines of pipe, which assessment shall be for the line of pipe fronting upon or adjoining the longest line of such lot or premises.

SEC. 146. Said comptroller shall proceed to assess a tax upon the city tax roll for the total amounts of the taxes ordered to be raised as specified in this chapter; and so in like manner the comptroller shall proceed to assess a tax upon said roll for the amount ordered to be raised for school purposes, according and in proportion to the individual and particular estimate and valuation specified in said roll, entering the said school tax in one column, to be headed "school tax," and in like manner the city and highway taxes in separate columns, to be headed respectively "city tax," "highway tax, first ward;" "highway tax, second ward;" "highway tax, third ward;" "highway tax, fourth ward;" "highway tax, fifth ward;" "highway tax, sixth ward;" "highway tax, seventh ward;" "highway tax, eighth ward;" "highway tax, ninth ward;" "highway tax, tenth ward;" "highway tax, eleventh ward;" "highway tax, twelfth ward;" "highway tax, thirteenth ward;" "highway tax, fourteenth ward;" "highway tax, fifteenth ward;" "highway tax, sixteenth ward;" "highway tax, seventeenth ward;" for the purpose of avoiding fractions in excess of said amounts, the comptroller may add thereto, not more than one per cent on the amount to be raised; said excess shall be paid into and belong to the contingent fund of the city. The taxes assessed upon each valuation shall be extended and added together in the last column of said roll, upon the right hand side of the page opposite each valuation.

SEC. 147. To such city tax roll the comptroller shall annex a warrant signed by him, commanding the treasurer to collect, from the several persons named in said roll, the several sums mentioned in the last column in said roll, opposite their respective names, and to retain the same in his hands for the purposes therein specified, and to return said roll to said comptroller on the first day of November next following: Said warrant may be in the following form:

To the Treasurer of Bay City:

You are hereby commanded to collect, from the several persons named in the said roll, the several sums mentioned in the last column in said roll opposite their respective names, and retain the same in your possession for the following purposes:

Amount may assess for water.

Proviso.

Taxes as-  
sessed, how  
entered on  
rolls.

Comptroller to annex warrant to roll.

Form of war-  
rant.

For city funds .....	§
For school funds .....	§
For highway funds, first ward .....	§
For highway funds, second ward .....	§
For highway funds, third ward .....	§
For highway funds, fourth ward .....	§
For highway funds, fifth ward .....	§
For highway funds, sixth ward .....	§
For highway funds, seventh ward .....	§
For highway funds, eighth ward .....	§
For highway funds, ninth ward .....	§
For highway funds, tenth ward .....	§
For highway funds, eleventh ward .....	§
For highway funds, twelfth ward .....	§
For highway funds, thirteenth ward .....	§
For highway funds, fourteenth ward .....	§
For highway funds, fifteenth ward .....	§
For highway funds, sixteenth ward .....	§
For highway funds, seventeenth ward .....	§

You are further commanded to return said roll to me on the first day of November next.

Dated.....

E..... F.....,  
Comptroller.

Taxes as-  
sessed to be-  
come lien.

The taxes thus assessed upon personal property shall become at once a lien thereon, and shall take precedence of any sale, transfer, assignment, chattel mortgage, levy or other lien, on such personal property, executed or made on or after the second Monday in April of the year when such assessment shall have been made except where such property is actually sold for the supply of customers in the usual and regular course of trade: Provided, That if any person shall pay or tender to the treasurer the tax upon the amount assessed upon and against any personal property, based upon the rate per cent of taxation of the preceding year, before the board of review shall meet for the current year and for which the tax sought to be paid is assessed, the personal property so assessed shall be divested of any lien for such tax, and the board of review shall be thereby precluded from increasing the amount of the assessment of such personal property. If when the rate for the current year is determined, it shall prove to be less than the rate paid pursuant to the foregoing, then in such case the excess, upon demand, shall be repaid to the person or persons paying such tax. The amount so assessed upon said city tax roll upon real property shall, as soon as said city tax roll is approved by the board of review, become a lien upon such property, and the lien upon such real and personal property for such amounts, and for all interest and charges thereon, shall continue until the payment thereof. Said city tax roll and warrant shall be delivered to said treasurer, on or before the twentieth day of August.

Proviso as to  
taxes paid be-  
fore review.

**SEC. 148.** The treasurer shall forthwith cause notice to be served upon or mailed to each person whose name appears upon said roll, notifying him that said city tax roll is in the hands of said treasurer, that a tax assessed thereon against such person is due, and that if said tax is not paid on or before the thirtieth day of September then next ensuing, interest will be added thereto, at a rate of one per cent a month, or fraction of a month, thereafter until paid. Said notice may be in the following form:

To N..... B.....:

Take notice, that the city tax roll of Bay City, for the year 19.... is now in the hands of the treasurer of said city; that a tax assessed thereon against you is now due; that if said tax is not paid on or before the thirtieth day of September, instant, interest will be added at the rate of one per cent a month, or fraction of a month, thereafter ensuing before the payment of said tax.

*Form of  
notice.*

Yours, etc.,

C..... D.....,

Treasurer.

In case any person named in said roll shall refuse or neglect to pay any tax imposed on personal or real estate belonging to him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person wherever the same may be found within the county of Bay, and thereupon the treasurer shall possess all the powers, be subject to all the duties conferred and imposed by any general law of this State now in force or which may hereafter be enacted.

*When tax may  
be levied by  
distress and  
sale.*

**SEC. 149.** Upon all taxes unpaid after the thirtieth day of September, interest shall be computed at the rate of one per cent for each month, or fraction of a month, that shall elapse after said thirtieth day of September, down to the time of payment, e. g., if a tax remains unpaid after said thirtieth day of September, and is paid any time during the month of October, one per cent will be added and collected. Such interest shall become a part of said tax, and both tax and interest shall be collected by said treasurer in the same manner and at the same time.

*Interest on  
unpaid taxes.*

**SEC. 150.** When a tax assessed upon any tax roll is paid or collected by the treasurer, he shall give a receipt therefor, and shall write in ink the word "paid," with date of payment upon such roll opposite thereto, and shall indicate, in ink, upon said roll opposite the tax the amount of interest collected. If the tax upon any particular description of land upon said roll shall be paid only on a part of the land, or upon an undivided interest therein that fact shall be fully stated upon said roll, so that it may, by inspection of the roll, be readily determined upon what part or interest the tax has been paid, and upon what part or interest it has not been paid. The treasurer shall keep a tax collection book, in which he shall enter in separate columns, the name of the party paying the tax, page of

*Treasurer to  
give receipts  
for taxes paid.*

tax roll, amount of tax paid, amount of interest paid, and date of payment of tax.

Taxes collect-  
ed, how ap-  
plied.

SEC. 151. Within two days after the return day mentioned in said warrant, the treasurer shall return said roll to the comptroller. All taxes assessed and collected as school taxes, shall be applied to fill the school fund; all taxes collected and paid as city taxes shall be applied to fill the city fund, and taxes assessed and collected as highway taxes in each ward, shall be applied to fill the highway fund of that ward. The county tax roll hereinbefore mentioned shall be treated and regarded as the assessment roll of Bay City, in connection with the matter of equalization of assessment rolls by the board of supervisors, and for all purposes of assessing the county and State taxes apportioned to the city: Provided, however, That the equalization of value of the real property shall be of the city entire, as a unit, and not by wards. The total assessed valuation of the real property of said city, as shown by the several ward rolls thereof, shall be the basis of equalization by said board, of the equalization of said property: Provided, further, That it shall be sufficient to certify said equalization upon the highest numerical ward roll of said city.

Proviso.

Further pro-  
viso.

Clerk of  
supervisors  
to make certi-  
ficate of city  
tax.

When comp-  
troller to  
enter taxes  
on county  
roll.

When to de-  
liver roll to  
treasurer.

SEC. 152. The clerk of the board of supervisors of Bay county shall, immediately after the apportionment of the State and county tax, by the board of supervisors at its annual session, as provided in any general law of this State now in force or which may be hereafter enacted, make out a certificate of the amount apportioned, to be assessed therefor upon the property of the city, and deliver the same to the comptroller. The comptroller shall proceed to assess taxes for the same upon the "county tax roll," in the manner hereinbefore provided for the assessment of the taxes on the city roll, except as herein otherwise provided.

SEC. 153. If any tax assessed upon the city tax roll against any person or upon any property, real or personal, shall remain unpaid at the time of the return of such roll to the comptroller, the comptroller shall enter and assess the amount of such taxes, with the interest accrued thereon, upon the county roll opposite to and against the same person and property. The different taxes to be assessed upon said county tax roll shall be entered in different columns, as follows: The State tax in column headed "State tax," county tax in a column headed "county tax," and school tax in a column headed "school tax," and all other taxes of whatever name and nature in a column headed "city tax."

SEC. 154. The comptroller shall deliver the county tax roll, with his warrant attached, to the treasurer on or before the first Monday of December; said warrant shall be under the hand of the comptroller, commanding such treasurer to collect, from the several persons named in said roll, the several sums mentioned in the last column of said roll opposite their respective names, and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treas-

urer the amounts therein specified for State and county purposes, on or before the first day of March, then next ensuing. Such warrant may be in the form given in section one hundred and forty-seven of this act, except as herein otherwise provided.

SEC. 155. Upon receiving said county tax roll and warrant, said treasurer shall forthwith cause notice to be served upon or mailed to each person whose name appears upon said roll, notifying them that the county tax roll is now in the hands of said treasurer; that a tax assessed thereon against such person is now due, and that if said tax is not paid on or before the thirty-first day of December then next, interest will be added thereto at the rate of one per cent a month, or fraction of a month; said notice may be in the form prescribed in section one hundred and forty-eight of this act, except only the title of the roll and date from which the interest is to be computed. The treasurer shall possess the same power and be charged with like duties, under and in respect to the county tax roll and warrant thereto annexed, as is prescribed in respect to the city tax roll and warrant thereto annexed, and he shall also possess all the powers, be subject to all the liabilities, discharge all the duties prescribed by law of township treasurers, in respect to the collection of taxes, the paying over and accounting for moneys received for taxes, the return to the county treasurer of property delinquent for taxes, and in respect to all other matters pertaining to the subject of taxes and taxation, except as herein otherwise provided.

SEC. 156. Upon all taxes unpaid after the thirty-first day of December, additional interest shall be computed at the same rate, added to the tax, and collected by the treasurer in the same manner as provided in respect to taxes assessed upon the city tax roll. Upon all taxes so remaining unpaid after the thirty-first day of December, the treasurer shall add four per cent for collection fees, unless otherwise directed by the council.

SEC. 157. The money collected by the treasurer upon the county tax roll, shall be applied ratably to fill the city, school, highway, local tax roll and other city funds.

SEC. 158. The comptroller, at the time of delivering any tax roll to the treasurer, shall charge the amount of taxes assessed thereon to the treasurer, and when such roll shall be returned the treasurer shall be credited with the amount of taxes remaining delinquent. The interest collected by the treasurer shall be credited by the comptroller ratably to all the funds mentioned in the warrant annexed to such roll. At the time of the return of the county roll to the county treasurer, the comptroller shall charge said county treasurer the amounts of said return roll and at the time of any settlement between the city treasurer and county treasurer, said county treasurer, on paying over any sums due Bay City, shall furnish a full statement to the comptroller and treasurer of the amounts of such taxes and interest collected and paid over (giving each fund separate); the same shall be credited up by the treasurer

Treasurer to notify persons appearing on county roll.

Powers of treasurer.

Interest on unpaid taxes.

Moneys, how applied.

Taxes to be charged to treasurer.

Interest, how credited.

and comptroller to the different funds, as provided in this act.

Public grounds, how assessed.

SEC. 159. No public square, park or other public ground, and no property owned by the city or union school district of said city, shall be assessed for any tax or assessment whatever, except for local taxes and improvements, and for such taxes and improvements such property shall be assessed in like manner as the property of private individuals.

Provisions of general tax law, how applied.

SEC. 160. The provisions of the general tax laws of the State of Michigan, and all other provisions of the general statutes of this State upon the subject of taxation as they now exist or may hereafter exist, shall apply and govern in the assessment and collection of the general taxes in said city, and in the return and sale of property delinquent therefor, (except as herein otherwise provided), shall also apply and govern in respect to the powers, duties and liabilities of officers, and the rights, duties and liabilities of persons and property touching and concerning such taxes, and shall have the same force and effect in said city as in the several townships in this State, so far as the same may be applicable, except as herein otherwise provided.

Board of review, how constituted.

SEC. 161. The board of review shall consist of the board of assessors, the members of the board of public works (except the city engineer), and the city attorney, five of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day; said board shall meet on the first Monday after the fifth day of July, at the council chamber in said city, at which time the board of assessors shall submit to said board the said general assessment roll. During the week commencing on said day, said board may, of their own motion, revise said assessment roll, and may increase or diminish valuations therein, add the names of persons and descriptions of property improperly omitted from said roll, and affix the valuations of such property, and they shall correct all errors and supply all deficiencies found therein.

May revise roll.

Said board of review shall meet on the second Monday after the fifth day of July at the same place, and upon the request of any person, his agent or attorney, considering himself aggrieved, and sufficient cause being shown, may reduce the assessment in such amount as to the said board may seem just and equal, and they may examine on oath any person touching the matter. After the expiration of the first week, during which said board is required to sit, it shall have no power to increase any valuation therein or add the name of any person or the description of any property thereto, except upon notice to the person to be affected thereby, served, in the case of a resident of the city, personally or by leaving the same at his usual place of abode twenty-four hours before any action is taken by the board in respect to such assessment, and in case of a non-resident, by one publication in the official newspaper of the city.

When to meet.

Said board shall continue in session six days during said second week, and as many days thereafter as may be necessary. Any member of said board may administer

Powers of board.

an oath and examine witnesses in relation to the matters requiring investigation before said board. Said board shall keep a record of its proceedings in reducing or increasing the valuation of property assessed upon such roll.

SEC. 162. Two weeks before the time hereinbefore fixed for the first meeting of the board of review in each year, the comptroller shall cause a notice of the time and place of such meeting to be given, by publishing the same for two successive weeks in the official newspaper, and by posting the same in three public places in each ward of said city.

SEC. 163. After said board of review shall have completed the revision of said roll, said comptroller shall endorse and sign a statement upon each book of said roll, to the effect that the same is the general assessment roll for the ".....ward" of said city, for the year in which it has been prepared, as approved by the board of review. Said statement may be in the following form, viz.:

General assessment roll of Bay City.....ward, for the <sup>Form of</sup> year nineteen....., as approved by the board of review.

Dated, .....

Comptroller.

Upon the completion of said roll and endorsement of the same in manner aforesaid the same shall be conclusively presumed by all courts and tribunals to be valid and to have been made according to law; the comptroller shall then cause a copy thereof to be made, and such copy shall be used and known as the county tax roll, and said original assessment roll may thereafter be used and known as the city tax roll.

SEC. 164. If the treasurer shall not, within the time allowed in his warrant, collect the taxes assessed against personal property upon the county tax roll, an action may be brought therefor in any court of competent jurisdiction. Such action shall be brought under the direction of the city attorney in the name of the city. If personal service of process cannot be obtained upon the person bound to pay such tax within the county of Bay, upon filing an affidavit, showing the nature of the claim and that such service cannot be obtained, an attachment may issue as in civil cases against the lands, and tenements, goods and chattels of such person. All subsequent proceedings in such action shall be conducted as in other civil cases, commenced by writ of attachment. Such action may be brought in any county where personal service can be obtained upon the defendant, or any one of them, if there be more than one. The court before whom said action will be tried, shall have power to issue process to enforce the collection of any judgment rendered therein, the same as in other civil cases. The city shall not be bound to give any bond in order to obtain the issue of a writ of attachment in the action or upon any appeal, writ of error, or other proceedings taken

Notice of  
meeting.

Comptroller  
to endorse  
statement.

When roll  
deemed valid.

Relative to  
actions  
brought for  
collection of  
taxes.

therein. Upon the trial of such action, such county tax roll and warrant annexed thereto, or a copy thereof, duly certified, shall be prima facie evidence of the right of the city to recover for the taxes assessed upon such roll. The county treasurer shall attend upon such trial and produce such county tax roll and warrant in evidence whenever required by the court trying the same. If it shall be made to appear upon such trial that any part of such taxes is invalid, the city may recover for the remainder of the amount assessed. The party prevailing in such action shall be entitled to costs as in other cases. The city shall be entitled to recover interest upon such tax, at the rate of three-quarters of one per cent for each calendar month, or fraction of a calendar month, elapsing after the thirty-first day of December of the year in which said county tax roll shall have been made.

**Notice by  
treasurer of  
time re-  
quired to re-  
ceive taxes.**

SEC. 165. The treasurer shall, two weeks before the time fixed by law for the delivery of any tax roll of said treasurer, give notice by publishing the same in the official newspaper of said city, and by posting the same in three public places in each ward of said city, of the time when, by law, he will be required to receive the taxes thereon: Provided, That any defect in said notice, or any omission to comply with the provisions of this section, shall not invalidate said tax roll, or any measure thereafter to be taken to enforce collection of the taxes thereon assessed. Such notice shall be published in said official newspaper for four successive weeks.

**Proviso.**

## CHAPTER XIV.

### LIGHTING.

**City may  
acquire light-  
ing works.**

SEC. 166. It shall be lawful for the city to acquire or purchase or to construct, operate and maintain either independent of or in connection with the water-works of the city either within or without the city, works for the purpose of supplying the city and vicinity with gas, electric or other lights, at such times and on such terms and conditions as hereinafter provided.

**Two-thirds  
vote of coun-  
cil required.**

SEC. 167. Whenever two-thirds of the aldermen elect shall by resolution declare that it is expedient for the city to acquire by purchase, or to construct or extend as the case may be, works for the purpose of supplying the city and vicinity with gas, electric or other lights, then the council shall have power to take such action as shall be deemed expedient to accomplish such purpose: Provided, That the city shall continue to maintain and operate the lighting systems now owned by the city of Bay City and the city of West Bay City, as now used, operated and maintained for municipal and commercial lighting.

**Proviso.**

**Amount may  
borrow for.**

SEC. 168. It shall be lawful for the city to borrow any sum of money not exceeding one-half of one per cent of the assessed value of the property in said city as shown by the last preced-

ing tax roll, to be used exclusively for the purpose of purchasing or constructing, maintaining, or extending such lighting works as are provided for in the preceding sections of this chapter. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of interest shall not exceed five per cent per annum, and such bonds shall not be sold for less than their par value.

Council to fix time of payment.

SEC. 169. The council may raise and expend in making repairs, or alteration, or in extending the city lighting works, such sum as it may deem advisable, but the sum to be raised in any one year shall be included in and shall not increase the total amount which by the provisions of this act, the council is authorized to raise.

May raise money for repairs.

SEC. 170. The council shall have power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of the city and vicinity with lights.

To fix rates.  
When may take property for.

SEC. 171. If it shall be necessary in the judgment of the council to appropriate private property for the construction and maintenance, or for the due operation of such lighting works, either within or without the limits of the city, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the city in the manner and with like effect as provided in this act or any general law of the State, for the taking of private property for public use.

SEC. 172. The council may contract from year to year or for a period of time not exceeding ten years, with any person or persons or with any duly authorized corporation, for supplying the city or the inhabitants thereof or both, with gas, electric or other lights upon such terms and conditions as may be agreed; and may grant to such person, persons or corporations the right to the use of streets, alleys, wharves and public grounds of the city as shall be necessary to enable such person, persons or corporations to construct and operate proper works for the supplying of such lights upon such terms and conditions as shall be specified in such contract.

May make contracts for lighting.

SEC. 173. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works and all fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto and to carry into effect the provisions of this chapter and the power herein conferred in respect to the erection, purchase, management and control of such works.

May enact ordinances governing.

## CHAPTER XV.

### THE POLICE COURT.

SEC. 174. There shall be a police justice in the city of Bay City. William M. Kelley, the present police justice shall continue in such office until the second Monday in April, nineteen

Appointment etc. of justice.

hundred seven, at which time the common council shall appoint one of the justices of the peace, of Bay City to the office of police justice, and on the second Monday in April annually thereafter or oftener if a vacancy should occur in said office, said common council shall appoint one of said justices of the peace, police justice, and fix their compensation, which shall not exceed five hundred dollars per year.

*Jurisdiction of  
police court.*

SEC. 175. The police court shall have exclusive and original jurisdiction to hear, try and determine all criminal cases wherein the crime, misdemeanor or offense charged shall have been committed within the corporate limits of the city of Bay City, or upon any lands, tenements or hereditaments owned or occupied by or under the authority of the city of Bay City, within the county of Bay, and which crime, misdemeanor or offense would be, now or hereafter, cognizable by a justice of the peace, if the same had been committed in any other part of the State, to entertain, conduct and dispose of all preliminary examinations into crimes, misdemeanors or offenses which shall have been committed within the corporate limits of Bay City, to hear, try and determine, or otherwise lawfully entertain, conduct and dispose of all cases or proceedings arising within the corporate limits of the city of Bay City, under the laws of this State, relative to disorderly persons, illegitimate children, fugitives from justice from other states and foreign countries, the preservation of the public peace and the prevention of crime: Provided, however, That this act shall not in anywise be construed to interfere with or affect any of the powers of, or the authority conferred by law upon the grand jury of the county of Bay.

*Proviso.*

SEC. 176. The police court shall have exclusive jurisdiction to hear, try and determine cases arising under all the ordinances and by-laws of Bay City, now in force, and which may hereafter be adopted by the common council; and any persons arrested for a breach of any such by-laws and ordinances shall be discharged from custody upon entering into a recognizance in a sum not exceeding the penalty for the violation of the same, and with sureties satisfactory to the officer taking said recognizance, conditioned for the appearance of such person to answer any complaint that may be preferred against him or her. Said police justice shall have the power to take such recognizance, and it shall be the duty of the officer having such person in custody to produce him before said justice for the purpose of giving such bail when required so to do.

*May issue  
process and  
have powers,  
etc., of justice  
courts.*

SEC. 177. The said police justice shall have power to issue all lawful writs and process, and to do all lawful acts which may be necessary and proper to execute and carry into complete effect the powers and jurisdiction given by this act, and especially to issue all writs and process, and do all acts which justices of the peace within their respective jurisdiction may issue and do by the laws of this State, and shall, as far as applicable, be governed by the provisions of law regulating criminal cases and proceedings before justices of the peace. The practice in the police court shall, subject to the provisions

of this act, conform in general to the practice in similar proceedings in courts held by justices of the peace, but neither the police court nor any police justice shall have any power or authority to grant new trials or to vacate or arrest any judgment, or to stay any proceedings thereon. No person shall be allowed to appear or practice in the said police court as an attorney and counselor, unless he shall be an attorney and counselor at law.

**SEC. 178.** Trials and examinations in the police court shall be public, but whenever it shall appear that upon the trial of any cause or upon examination, evidence of licentious, lascivious, degrading or peculiarly immoral act or conduct will probably be given, the police justice presiding at such trial and examination may, in his discretion, require and cause every person, except those necessarily in attendance thereon, to retire and absent himself or herself from the court room during such trial, or any portion thereof; and no person under the age of sixteen years shall be permitted at any time to remain during the trial of any cause, or during an examination in the police court, or during any portion thereof, in the court room in which such trial or examination is pending, unless such person is accompanied by one of its parents or guardians, or is required by law or the process of the court to be present or in attendance thereon. The office of said justice shall be open daily (except Sundays and holidays) at reasonable hours for the transaction of the general business thereof, but said court shall be deemed in law always open for the purpose of taking complaints, issuing warrants and admitting persons to bail. It shall be the duty of the said police justice to attend and open the police court, and hold sessions thereof at such times as the common council of Bay City by ordinance prescribes, and then and there examine into and determine all cases arising under any of the ordinances of said common council which shall be brought before the police court, and of which such court shall, by the terms of this act, have jurisdiction. And it shall be the duty of all officers having in custody or confinement any person charged with violating any of the ordinances of the common council, to promptly bring such prisoner before the police court for trial or other lawful actions, unless such prisoner shall be held under or by virtue of a warrant, capias or other process of another court, magistrate or officer.

**SEC. 179.** The police court shall have power to punish, as a criminal contempt, any person who shall be guilty of any act, conduct or behavior for which such person would be punishable, as for a criminal contempt in any court of record, if such act had been committed within its jurisdiction, and the procedure in the police court, in cases of contempt, shall be substantially the same as in courts of record, and like punishment may be inflicted therein, except that no fine shall exceed one hundred dollars.

**SEC. 180.** The members of the police force of Bay City shall have the power, and it shall be their duty, to serve all process Powers, etc., of police force.

Relative to  
conducting of  
trials, etc., in.

May punish  
for criminal  
contempt.

issued and to execute all orders lawfully made by the police court or the police justice; and they shall perform all the duties of conveying prisoners from any jail, or other place of detention or imprisonment, to the police court or the police justice, for complaint, arraignment, examination, trial, sentence or other proceeding, and from the police court or police justice to the Bay county jail, under the direction, order, process, judgment or sentence of the police court, or of the police justice, and they shall be ministerial officers of the police court and of said police justice.

When police  
to deliver  
convicts to  
sheriff.

SEC. 181. The common council upon the written request of the police justice may detail one or more of the police force of said city to attend the police court as shall from time to time be deemed necessary and proper. But in case any person shall be convicted and sentenced or committed to the house of correction in Detroit, reform school, prison, reformatory or any other place of detention, reformation, correction or punishment, such police force shall deliver such person so sentenced or committed to the sheriff of Bay county, at the Bay county jail, and the sheriff shall take and convey such person so convicted and sentenced or committed to such house of correction, reform school, reformatory or other place of correction, detention or punishment, there to be delivered in pursuance of such sentence or commitment.

Attachment  
of witnesses  
by police.

SEC. 182. If it shall appear to the police court or to the police justice, by affidavit or other appropriate evidence upon oath, or by testimony of any witness or witnesses given in the course of any trial or examination in the police court that any person is a material witness in any case, matter or proceeding pending in said court, and will probably be a necessary witness therein, either before the police court or any other court, and that there is reason to believe that such person will not appear and testify in such case, matter or proceeding, unless security be given by such person to so appear and testify, the police court or police justice, may, by appropriate process, attach such person and commit him or her to the custody of the chief of the police force of Bay City, to be held and detained according to law, as a witness in such case, matter or proceeding, until the further order of the police court or justice, but no longer than thirty days from the date of the warrant or commitment, unless such person shall give bail in such sum and with surety or sureties as shall be approved by the police justice of said court, conditioned, at the option of the party giving the same, either to remain openly for thirty days next succeeding the date of the warrant or commitment within the corporate limits of the city of Bay City, or to appear and testify from time to time in such case, matter or proceeding therein, without further notice, as may be required.

Issuing, etc.,  
of warrants.

SEC. 183. Any warrant, writ or other process of the police court shall be in the name of the people of the State of Michigan; shall be addressed to the chief of police or the police force of Bay City; shall be attested by the police justice; shall be returnable before the police court; shall be signed by the

police justice issuing the same, and may, without backing or endorsement by any other court, magistrate or officer, be served & executed anywhere in the State of Michigan by any police-man of said city.

Sec. 184. If the police justice shall have probable cause to suspect that any indictable crime, misdemeanor or offense has been committed within the corporate limits of Bay City, and that any person within the lawful jurisdiction of the process of the police justice may be able to give any material evidence respecting such crime, misdemeanor or offense, he shall have power and authority in his discretion, to require such person to appear before him as a witness and answer upon oath such questions as shall be put to him or her touching such crime, misdemeanor or offense, or his or her knowledge or information of the same, or any material fact involved therein; and the proceeding to summon said witness and to compel him or her to testify shall, as far as practicable, be the same as proceedings to summon witnesses and compel their attendance and testimony in ordinary cases, matters and proceedings in the police court, and if, upon such inquiry, the police justice shall be satisfied that such crime, misdemeanor or offense has been committed, and that there is probable cause to suspect any particular person or persons to be guilty thereof, he may cause the apprehension of such person or persons, by proper process, and upon the return of such process served or executed, the police justice shall proceed with the case, matter or proceeding in like manner, as upon formal complaint by the injured party or other person. And in respect to communicating or divulging any statements made by such witness during the course of such examination, the police justice shall be governed by the provisions of law relative to grand jurors.

Sec. 185. Said police justice, William M. Kelley, shall receive an annual salary of fifteen hundred dollars, to be paid by Bay City in the first instance, but the board of supervisors of Bay county shall annually make a reasonable allowance to said city toward the payment of the salary of a police justice and the expense of said police for the services rendered by the police force of said city in prosecutions under the general laws of this State, which allowance shall be equal to three-quarters of the expenses incurred on account of the expenses of said court and police service: Provided, That such allowances shall not exceed three thousand dollars per annum.

Sec. 186. In case of a vacancy in the office of such police justice, or in case of his absence, sickness, or disability to act for any cause, a justice of the peace of Bay City, to be designated for that purpose by the common council of Bay City, shall perform the duties of such police justice during the sickness, absence and in case of such inability, and shall hold such police court, and he shall be paid for such services as he may render by Bay City and Bay county as aforesaid. But neither such police justice nor justice of the peace shall receive any fees, costs or other emoluments for services as such police justice whatever.

Powers of  
justice re-  
lative to wit-  
nesses, crimi-  
nals, etc.

Salary of  
justice.

Provided.

In case of  
vacancies.

Justice to  
keep records,  
etc.

To whom to  
pay fines,  
costs, etc.

Appeals from  
police court.

Relative to  
juries.

Proviso.

Persons en-  
titled to  
jury.

Issue of war-  
rants for  
violation of  
ordinances

**SEC. 187.** The justice of the police court shall keep a true record of the proceedings of said court, and of the business of his office in journals, calendars or other proper books to be provided for such purpose, which books shall be of such forms as shall be approved by the police justice. He shall file and safely keep all books, bonds, recognizances and papers belonging to the police court or to his office, and shall, within forty-eight hours after the receipt of any fine or costs, pay the same to the county treasurer of the county of Bay, and take a receipt therefor, except such fines and costs as shall be imposed and received in cases arising under the city ordinances above mentioned, which shall be paid in like manner and within the same period to the city treasurer of the city of Bay City, and by him credited to the charitable purpose fund. All moneys collected by the sheriff of Bay county, for fines and costs imposed by the police court in cases arising under city ordinances, shall, within forty-eight hours, be paid to the city treasurer and credited to the charitable purpose fund.

**SEC. 188.** In cases determined in the police court, an appeal may be taken to the circuit court for the county of Bay, in the same time and manner and with the same effect as prescribed by the general laws of the State for appeals from justices of the peace to the circuit court in criminal cases.

**SEC. 189.** When a jury shall be demanded for the trial of any cause in said police court, the list from which such jury shall be prepared by a member of the police force. In all other respects the jurors shall be selected and summoned in said police court, and all proceedings not herein provided for, shall be conducted the same as in justice court: Provided, That the policemen of Bay City shall perform the duties of such police court which are or may be performed by sheriffs or constables in such justice courts, except as herein provided.

**SEC. 190.** In all trials in the police court, of any person charged with the violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons, if demanded, and all proceedings in and relative to the cause shall, except as herein otherwise provided, be in conformity, as near as may be, with the mode of proceeding in criminal cases cognizable by justices of the peace, and in all such cases the defendant shall have the right of appeal from the police justice court to the circuit court for Bay county, on the same terms as is or may be required by law in appeals from justice courts in criminal cases.

**SEC. 191.** In prosecutions for violation of any of the by-laws and ordinances passed by the common council, upon complaint being made in writing by the city attorney, or the oral or written complaint of any other person upon oath before the police justice, setting forth the substance of the offense complained of, the police justice shall issue a warrant in the name of the people of the State of Michigan for the apprehension of the offender, directed to the chief of police of Bay City, or any constable of the county of Bay, and such process may be executed by any one of said officers anywhere within this State.

and shall be returnable the same as other similar process issued by justices of the peace in townships.

SEC. 192. Upon bringing the person so charged before the police justice, he shall plead to said complaint, and in case of his refusing to plead or standing mute, the police justice shall enter a plea of not guilty for the person so charged, and upon the said complaint and plea a trial shall be had and upon conviction of said offender and imposition of a fine only with or without costs, it shall be the duty of the police justice to issue a commitment directed to the chief of police or any constable of the county of Bay, reciting the sentence and the substance of the offense as charged in the warrant, commanding the commitment of the person so offending until the expiration of the term named in the sentence, unless said fine and costs are sooner paid, or until he be discharged by due course of law; and in case imprisonment alone shall be imposed on the person so convicted, the said police justice shall issue a commitment directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced for imprisonment, or until he be discharged by due course law; and in cases where both fine, with or without costs, and imprisonment, or imprisonment in default of payment of fine or costs, are imposed upon the person so convicted by the judgment of such police justice, he shall issue the necessary process to carry said judgment into effect: Provided, That the common council may remit such fine in whole or in part, if it shall be made to appear that the person so committed is unable to pay the same in money or labor. All fines and costs imposed and collected by the police justice, for the violation of any ordinance or by-laws of the common council, shall be paid into the city treasury and belong to the charitable purpose fund.

Proviso.

Proceedings  
in prosecu-  
tions for  
violation of  
ordinances.

SEC. 193. In prosecutions for the violation of any of the by-laws or ordinances of said city, it shall not be necessary to plead or set forth any such by-law or ordinance, or any of the provisions thereof, in any complaint, pleading, warrant, writ or process, but the same shall be deemed well and sufficiently pleaded and set forth, by reciting the title, to any such ordinance or by-law, and the date of its passage or approval, and the court or officer before whom such prosecution shall be tried, shall take notice without proof of the existence and provisions of such ordinance or by-law, unless the existence or validity of such by-law or ordinance shall be specially put in issue by the plea or notice of the defendant.

City may use  
county jail.

SEC. 194. The corporation of Bay City shall be allowed the use of the common jail of the county of Bay for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the council, and all persons committed to said county jail by the police justice of said city, for any violation of a by-law or ordinance of said council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged as in other cases.

## CHAPTER XVI.

## MISCELLANEOUS.

Definition of words and terms used in act.

SEC. 195. In the construction of this act, the following definition of terms and words shall be observed and understood, except where some other meaning is indicated by the context, viz.: "Official newspaper" means the newspaper which the common council shall designate as such; "treasurer" means the treasurer of Bay City; "comptroller" means the comptroller of Bay City; "council" means the common council of Bay City; "council chamber" means the room where the common council usually holds its meetings; "city" means Bay City; "local tax roll" means an assessment or tax roll upon which persons or property are assessed for a particular public work, and the assessment is made on the basis of benefits to such persons or property conferred by the said work; "city tax roll" means the roll upon which the general city and school fund and the general ward highway funds are first assessed; "county tax roll" means the roll upon which the State and county taxes apportioned to said city are first assessed; "compiled laws" means the edition of the compiled laws published in the year eighteen hundred and ninety-seven; "the charter" means this act.

Proceedings in drawing money from treasury.

SEC. 196. All money drawn from the treasury (except school funds), shall be drawn in pursuance of an order of the council, by warrant signed by the recorder and countersigned by the comptroller. Such warrant shall specify for what purpose the amount therein named is to be paid, and the comptroller shall keep an accurate account of all warrants paid by him. The treasurer shall keep an accurate account of and report to the comptroller on the first of each month, a detailed statement of all taxes and interest collected and moneys received and disbursed. Said books shall be open to the inspection of any elector of the city at all reasonable hours. All warrants paid by the treasurer shall at all times be subject to the inspection of the comptroller, who shall give the treasurer credit for moneys disbursed. The treasurer shall exhibit to the comptroller an annual statement at the end of the fiscal year, March first, and at such other times as the council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury; which account shall be referred to a committee for examination, and if found correct shall be approved by the council and filed. The comptroller shall render statements of the accounts of the city appearing upon his books whenever required by the council.

Treasurer to make annual statement to comptroller.

SEC. 197. No bond, note, or other evidence of indebtedness of said corporation shall be given or issued by said corporation, except as provided in this act, nor by any officer of the corporation in his official capacity, whereby the city shall become obligated to pay any sum of money; but the council may

Relative to issue of bonds, notes, etc.

indorse on all accounts running or presented against the city, the amount allowed thereon.

SEC. 198. All corporate deeds, conveyances or mortgages, Deeds, etc., in the name of the city, shall be executed by the mayor and recorder or as directed by the council. how executed.

SEC. 199. All official bonds of said city, except as herein Bonds, where otherwise provided, shall be deposited with the recorder of deposited. said city for safe keeping, and it shall be his duty to deliver the same to his successor in office. All other bonds of said city and all contracts of said city shall be filed with the comptroller.

SEC. 200. The supervisor of each ward shall have and exercise within his ward all the powers, authority and functions of supervisors of the townships, as now provided or as may be hereafter provided by law, except as herein otherwise provided, and each of them, with the comptroller, mayor, city attorney and city assessors, shall be members of the board of supervisors of Bay county, and as such shall be entitled to the same compensation and paid in the same manner as other members of the board. Powers, etc., of supervisors.

SEC. 201. The city constables shall have the powers and Constables. perform the duties of township officers elected under the general laws of this State, subject to the provisions of this act; and the police shall have the power to serve and execute all process issued by the police justice.

SEC. 202. The supervisors, justices of the peace, recorder and all other officers of said city, who are required to perform Certain officers to take the oath and give bonds. the duties of township officers of this State, shall take the oath, give the bonds, perform like duties and receive the same pay, and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act or as may be prescribed by ordinance not inconsistent herewith.

SEC. 203. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, except judicial officers, shall have such other rights, powers, duties and liabilities, subject to and consistent with the provisions of this act, and shall give such security as the council may deem expedient and shall prescribe by ordinance or resolution. Council may prescribe certain regulations.

SEC. 204. The common council shall audit and allow all accounts chargeable against the city, except as in this act otherwise provided; and no account, claim or contract shall be received for audit or allowance unless it shall be accompanied by an affidavit of the person rendering it, to the effect that he verily believes that the services claimed to have been rendered or property therein charged for were actually performed or furnished to the city; that the sums charged therefore are reasonable and just to the best of his knowledge and belief, are due and unpaid, and that no set-off exists or payments have been made on account thereof, except as stated in such account or claim; and every such account shall exhibit in Council to audit ac. counts against city.

detail the amount of each item making up amount claimed. And it shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city of any description whatever, that it has never been presented to the council as aforesaid for allowance; or that the claim was presented without the affidavit aforesaid and rejected for that reason, or that the action or proceeding was brought before the common council had reasonable time to pass upon such account or claim. And all claims for damages against the city growing out of the negligence or default of said city, or any of the officers, agents, employes or boards thereof, shall be presented to the common council of said city, in the manner above provided, within six months after such claim shall arise; and in default thereof said claim shall be forever barred. In any action in any court on any such claim, the claimant shall be required to show that such claim has been duly presented in the manner as in this section specified, to the council for audit, investigation and allowance.

**Limit of time  
in which  
claims to be  
presented.**

**Officers to  
deliver books,  
etc., to suc-  
cessor.**

**Competency  
of inhabitants  
on juries.**

**Proviso.**

**What deemed  
evidence of  
publication of  
ordinance.**

**When and  
how judicial  
officers may  
be removed.**

SEC. 205. Whenever any officer shall resign or be removed from office, or the term for which he shall be elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, or in any wise appertaining to his office; and every person violating this provision shall be guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally, for like offenses, under the general laws of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected under this act, shall be deemed an officer with [within] the meaning and provisions of such general laws of this State.

SEC. 206. In all suits in which the corporation of Bay City shall be a party or shall be interested, no inhabitant of said city shall be deemed incompetent as a juror on account of his interest in the result of such suit or action: Provided, Such interest shall be such only as he has in common with the other inhabitants of said city.

SEC. 207. A record or entry made by the recorder of the said city, or a copy of such record or entry, duly certified by him, shall be prima facie evidence of the time of the first publication of any ordinance, and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto; either,

First, From a copy certified by the recorder of the city, with the seal of Bay City affixed, or;

Second, From the volume of ordinances printed by authority of the council.

SEC. 208. Any judicial officer of said city except justices of the peace may be suspended or removed from his office by the circuit court for the county of Bay, for the neglect or refusal to pay over, as required by law, any moneys by him collected for or on account of any fine, penalty or forfeiture, or the unfaithful or insufficient performance of any of his official duties.

or any official misconduct or charges specially preferred by said council of said city, or any member or officer thereof, or by three electors of said city, founded on affidavit filed in said circuit court, specifically stating the charges complained of; a copy thereof shall be served on him in such manner as said circuit court shall direct, and opportunity shall be given him to be heard in his defense.

SEC. 209. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, <sup>When persons deemed guilty of perjury.</sup> who shall, under such oath or affirmation in any statement, affidavit or otherwise, wilfully swear falsely as to any material fact or matter, shall be guilty of perjury.

SEC. 210. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act, by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law. <sup>When double costs may be recovered.</sup>

SEC. 211. The record of any ordinance enacted and of the time of its first publication, made by the recorder as required by this act, or a copy thereof, certified by such recorder, under the seal of the corporation, shall be presumptive evidence in all courts, places or proceedings of the due passage of such ordinance, of its having been duly published and of the time of its first publication. Copies of all other records and papers duly filed in, and pertaining to the office of the recorder, certified by him under the seal of the corporation, shall be evidence in all courts and places, to the same effect as the originals would be, if produced. <sup>What to be evidence of passage of ordinance.</sup>

SEC. 212. Proof of the requisite publication of any ordinance, resolution or proceedings required to be published in any newspaper, by the affidavit of a printer in the office of said newspaper, or the publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the recorder of the city, or any other competent proof and, all ordinances and by-laws of the council, printed and published by their authority, shall in all courts, places and proceedings be received without further proof as prima facie evidence thereof, and of their legal enactment and publication. <sup>Proof of publication of ordinances, etc., to be taken as evidence.</sup>

SEC. 213. No person shall be incompetent to act as judge, justice of the peace or other officer, witness or juror, by reason of his being an inhabitant or freeholder of Bay City. <sup>Residents not incompetent to act as judge, etc.</sup>

SEC. 215. Whenever a vacancy shall occur in any judicial office, the council may order a special election to fill such vacancy, and shall give not less than ten days' notice of the time of such election. Such notice shall be written or printed, and shall be posted in at least three public places in each ward. The manner of conducting such election shall in all other respects be the same as herein provided for the annual election, and such vacancy may also be filled at the annual election. <sup>Vacancies in judicial office, how filled.</sup>

**Process, how served on city.**

**City not required to give bonds in suits.**

**Proviso.**

**What deemed official paper.**

**Expenses of committing offenders, how paid.**

**Lands not entitled to record without approval of council.**

**Present ordinances, etc., to remain in force.**

**Proviso.**

**SEC. 216.** All process issued against said city, shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or recorder at least ten days before the day of appearance mentioned therein. The said city shall not be required to give any bond or furnish any security for costs in any action at law, or suit in chancery or for the removal thereof by appeal or otherwise to an appellate court. It shall not be necessary to pay or tender any fees whatever to any witness subpoenaed on the part and behalf of said city in any action at law, or suit in chancery, but such witness, upon due service upon him of a subpoena, shall be bound to attend as if the fees allowed by law had been duly paid him. All such fees shall be allowed and paid by the common council upon the recommendation of the city attorney: Provided, That no witness fee shall be allowed or paid to any city officer or employee receiving a stated daily, weekly, monthly or yearly salary, for attendance as a witness in any cause on behalf of said city, unless such attendance shall create a diminution of such salary.

**SEC. 217.** The official paper of said city is the newspaper in which the official proceedings of the council are published, as directed by the council by a majority vote of all the aldermen elect.

**SEC. 218.** The expense of examining and committing offenders against any law of this State in Bay City, and the expenses of their confinement, shall be audited, allowed and paid by the supervisors of Bay county, in the same manner as if the expenses had been incurred in any town of Bay county.

**SEC. 219.** No plat of land within the limits of the city of Bay City, executed as a subdivision thereof or addition to said city, for the purpose of being recorded in the office of the register of deeds, shall be entitled to record without the approval of the common council and a certificate that it has been so approved indorsed thereon by the city recorder under the corporate seal of said city. Any person who shall record or offer for record any such plat, without a certificate of the recorder indorsed thereon as above provided, or who shall sell, or offer for sale, any lot, by reference to such plat, before the same has been approved by the common council, as above provided, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail of Bay county not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court.

**SEC. 220.** All ordinances, by-laws, regulations and rules of the common council of the cities of Bay City and West Bay City now in force, and not inconsistent with this act, shall remain in force, until amended or repealed by the common council, under this act, within the respective territories for which they were originally adopted: Provided, That all rights, privileges or franchises heretofore granted to any person, persons or corporations shall be continued in force by this act,

but the common council of Bay City shall have all the powers, rights and privileges relative thereto as are now vested in the respective councils of said cities of Bay City and West Bay City, and save as herein provided the rights, privileges or franchises granted by the common council of Bay City shall extend over the entire consolidated city.

SEC. 221. The common council of said city shall, within one year after the first annual election under this act, and as often thereafter as it shall deem expedient, cause all the acts and parts of acts of incorporation of said city that may be in force, including such general laws as it may deem necessary for the use of the mayor, aldermen or other officers thereof, together with all ordinances of said city, to be revised and corrected so as to conform to the provisions of said acts, properly arranged and indexed, and to be published in book form, and properly certified to by the recorder thereof, and when so compiled and published, the same shall be considered the official copy of all said acts and ordinances. Each officer of said city shall be entitled to use a copy by virtue of his office, and the council may authorize the sale of copies thereof to re-imburse the city for the expense of compiling and publishing the same.

SEC. 222. The inspectors of elections of each ward shall constitute a board of registration therein, except as in this act otherwise provided.

SEC. 223. Each ward, unless otherwise subdivided, shall be an election district. On the Saturday next preceding any general election, and on the Saturday next preceding the day of the regular city election, or any special election, and on such other days as shall be appointed by the council, not exceeding three days in all, previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as herein provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing lists of the qualified voters; during which sessions it shall be the right of each person, who, at the then next approaching election may be a qualified elector of said ward or voting district, and whose name is not registered, to have his name entered in the register of such ward or voting district. Said board shall cause a like notice of such meeting of registration, and of the time and place of holding the same, to be published and printed in like manner, and for the same period as is required by section six of act number one hundred seventy-seven, of the Session Laws of eighteen hundred fifty-nine, entitled, "An act further to preserve the purity of elections and guard against the abuses of the elective franchise by a registration of electors, approved February fourteenth, eighteen hundred fifty-nine, and the acts amendatory thereof." The provisions of said act number one hundred seventy-seven of the Session Laws of eighteen hundred fifty-nine, and the acts amendatory thereof, shall apply to and govern the several boards of registration created by this act, except as in this act otherwise provided. It shall be lawful for

Council to  
cause com-  
pilation of  
laws and  
ordinances.

Board of  
registration.

Relative to  
conducting,  
etc., of elec-  
tions.

the common council in its discretion, at any time before the first day of March next preceding any general or municipal election, to divide the several wards of the city, or any of them, into convenient election districts for the holding of general and municipal elections; and in case any ward or wards shall be so divided the provisions of the general laws of the State, and of this act relating to the elections shall be applicable to such election districts. The common council shall, at least ten days prior to any general or municipal election, appoint one inspector of election for each ward so divided into election districts, and the election inspector so appointed, together with an alderman of the ward so divided, to be designated by the common council, shall act as a board of registration in the election district of such ward which shall be designated by the council, and the other alderman of the ward so divided, together with the supervisor of the ward, shall act as a board of registration in the other election district of said ward. Any election district so made shall remain an election district by itself until changed by the common council.

Special elections.

SEC. 224. When the common council shall order a special election to be held in any of the wards of said city for the election of ward officers, said council, by resolution, shall direct the city recorder to notify the board of registration that last held its session in said ward to review and complete the list of qualified electors of said ward on a day and at a place to be named in said resolution. Notice of the time and place of such session of said board shall be published in at least one of the daily newspapers published in said city, for at least four successive days prior to such session. It shall not be necessary to insert in such notice the names of registered electors, or post handbills containing the same, as in case of general or charter elections. The provisions of the aforesaid act number one hundred and seventy-seven, and of this act, or so much thereof as may be applicable, shall govern and regulate the action of said board, each member thereof, and all other persons in reviewing and completing the register of electors at such session; and all persons are hereby made liable to the penalties prescribed therein for any violation of the same at such session, as if the same were here enacted. In case there shall be any vacancy in the then board for such ward or district the same shall be filled as provided by law.

Relating to  
loaning of  
money, issue  
of bonds, etc.

SEC. 226. No loan shall be made by the council or by its authority in any year exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds issued, and when due shall be kept by the comptroller. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, except as herein otherwise provided, in such manner as merely to change but not to increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs and from what fund it is payable. All bonds and evidences of

debt, when funded, purchased or paid, at the close of each fiscal year, shall be canceled and destroyed by the treasurer in the presence of the city comptroller and a special committee of the council appointed for that purpose. The comptroller shall record and keep an accurate description of all bonds and evidence of debt thus canceled and destroyed. The total general indebtedness of the city shall not exceed at any one time, not including bonds for local improvements, the sum of one million two hundred fifty thousand dollars.

SEC. 227. In case any public street or highway, or any portion of any public street or highway within the corporate limits of Bay City, shall be made or declared a county road by the county road commissioners of Bay county, the common council shall have the power and authority to make any agreement with said county road commissioners, as to the kind and character of pavement, stone or macadam, the manner of improvement which shall be made or constructed on such street or highway or portion of said street or highway, and in such case said common council shall also have the power and authority to agree with said county road commissioners upon the part or portion of the total cost of such pavement, stone, macadam, of other improvement which shall be paid or borne by said county road commissioners and city of Bay City, respectively: Provided, That the portion of the cost of such improvement on any public street or highway which is to be chargeable to Bay City, shall be assessed upon and collected from the property specially benefited thereby in the manner provided in the city charter for similar cases of special assessments; and the proportion chargeable for the construction of street intersections shall be paid from the ward funds as in other cases: Provided, further, That in case of any such street or public highway being adopted and made a county road by the county road commissioners, the city of Bay City shall retain full and complete control and jurisdiction over all the sidewalks on such streets, and over all the other parts and portions of such streets, except the roadbed or portion which has been paved, stoned or macadamized.

SEC. 228. No person shall be permitted to connect or tap into, or use any main or lateral sewer, who has not contributed to, or whose property (which is desired to be drained pursuant to such permission) was or is not liable or chargeable for any portion of the cost of construction thereof, except on the payment into the city treasury of such sums of money, and upon such terms and conditions as shall be deemed reasonable by the common council: Provided, That the payment of such money and the compliance with such terms and conditions, shall not in any way be deemed or construed as a release from, or waiver of payment of so much of the cost of the construction of any main or lateral sewer, thereafter constructed, as might have been assessable upon and against the property drained by such permission, had such permission not been given.

Proceedings  
in case street  
declared  
county road.

Proviso.

Further proviso.

Procedure in  
case person  
wishes to  
tap sewer.

Proviso.

Compensa-  
tion of mayor  
and aldermen.

SEC. 229. The mayor of the city shall receive such salary as the council may determine, subject to the provisions of this act, but the compensation allowed shall not be less than ten hundred dollars per annum. The aldermen shall receive as full compensation for all services rendered, two dollars for each session of the council at which they are actually present.

First election,  
when held,  
conducting,  
etc., of.

SEC. 230. The common council of the respective cities of Bay City and West Bay City, shall, on or before the first Monday of March, nineteen hundred five, designate the places of registration, and also the places of holding the first election under this act, in the several wards and election districts of their respective cities, and in case of failure of either common council to make such designation, it shall be the duty of the mayor of such city within three days thereafter, to make such designation. Registration of the electors shall be made at the places so designated on the Saturday preceding such election, and notice of such registration shall be given and the registration made in the manner now provided by law relating to the registration to be made prior to any other general or charter election in the said cities respectively. Such election to be held on the first Monday of April, nineteen hundred five, shall be conducted and the votes canvassed in the manner provided in the present charters of the respective cities in which the several wards and election districts at which such election shall be held are situated for the purpose of holding other charter elections; and all the provisions of such charters relating thereto shall be deemed to apply to such election.

Officers  
chosen to  
qualify, etc.

SEC. 231. All the officers chosen at such election shall qualify in the manner provided in this act for officers chosen at elections subsequently held, and shall enter upon their respective offices within twenty days thereafter, and thereupon the organization of the municipal government of the consolidated city shall be deemed complete, and the tenure of the several elective offices of said cities of Bay City and West Bay City, who are not by this act expressly declared to hold over, shall be at an end, and such officers shall forthwith turn over to the proper officers of the consolidated city so chosen, all the books, records, property, money and effects pertaining to the respective offices so vacated.

Result of  
canvass, how  
certified, etc.

SEC. 232. The result of the canvass of the votes at such election shall be certified by the inspectors of election in the several wards and election districts upon the east side of the Saginaw river to the then city recorder of Bay City, and shall be certified by the inspectors of such election in the several wards and election districts upon the west side of the Saginaw river to the then city clerk of West Bay City; such officers shall deliver such certificates to the board of canvassers, provided for in the following section at the meeting thereof, on or before the time fixed for the meeting of the board of canvassers in said section.

Board of  
canvassers,  
how consti-  
tuted, etc.

SEC. 233. The common councils of the city of Bay City and of the city of West Bay City together, a majority of whom shall constitute a quorum, shall constitute a board of can-

vassers to canvass and declare the result of such election. Such board shall meet at the common council chambers of the present city of Bay City, on the Thursday next succeeding such election at seven-thirty o'clock in the afternoon and canvass and declare such result in the same manner as herein provided for subsequent charter elections.

SEC. 234. The members of the common council of the consolidated city shall meet and hold the first meeting of said common council in the council chamber of the present Bay City, at a time to be designated by the mayor elect of said city, said meeting to be called and held not later than the second Monday in April, nineteen hundred five. When council to meet.

SEC. 235. Upon the consolidated city becoming organized by the election and qualification of the officers elected at the election to be held on the first Monday in April, nineteen hundred five, as hereinbefore provided, all former acts relating to the present cities of Bay City and West Bay City inconsistent with the provisions of this act, shall thereupon be superseded and repealed, except as otherwise expressly provided for by this act, but such repeal shall not affect any act or rights secured, created or established, or the title to any property acquired or any proceeding or transaction, tax, assessment, contract or public improvement had or commenced prior to the time this act takes effect, but every such act, claim, right or proceeding shall remain as valid and effectual as if this act had not taken effect. Repeal of former acts, etc.

SEC. 236. Until the appointment and qualification of the several officers and members of the various public boards who, under this act, are appointed or elected by the mayor or common council, the several appointive officers of the cities of Bay City and West Bay City shall continue in office; but immediately upon the qualification of the officers herein specified, the term of their offices shall be wholly at an end, except as herein otherwise provided; and all books, papers, records and property of every description appertaining to such offices and boards, shall be forthwith turned over to the custody and control of the officers and boards elected and appointed under this act. When term of present appointive officers to end.

SEC. 237. All property, real and personal, choses in action, and rights of all kinds, of said cities of Bay City and West Bay City, or either of said cities, as at present constituted are hereby absolutely vested in the city created by this act. And the city created by this act shall assume and pay all indebtedness, bonds and all obligations of every manner and nature whatever, of the said cities of Bay City and West Bay City. Property rights, etc., vested in new city.

## CHAPTER XVII.

### PUBLIC SCHOOLS.

SEC. 238. The territory embraced in the city of Bay City shall constitute one school district and shall be a body corporate, by the name and style of the "Union School District of City to constitute one district.

Bay City," and by that name may sue, and be sued for all debts contracted by the board of education of said school district, and shall have and possess all the powers and be subject to all the duties and liabilities conferred and imposed by the general laws of the State relating to corporations and relating to primary and union schools and school districts, so far as the same may be applicable, except as herein otherwise provided. The schools of said district shall be open and free to all children actual residents within the limits of the city, and between the ages of five and twenty years, inclusive, and to such other persons as the said board shall admit.

**Board of  
education,  
how consti-  
tuted.**

SEC. 239. The board of education of said district shall consist of one member from each ward of said city as said wards are now or may hereafter be bounded and established. Each of said members shall hold office for the term of two years and until his successor is elected and qualified, except as herein otherwise provided.

**Relative to  
present board.**

SEC. 240. The members of the board of education of the Union School District of Bay City, and the members of the board of education of West Bay City in office on the second Monday in April, nineteen hundred five, acting together, shall constitute the board of education of the Union School District of the city of Bay City, and shall continue in office until the expiration of their respective terms as provided by present existing laws, and until their successors are elected and qualified, except as herein otherwise provided, and they shall meet at the council chamber in Bay City on or before the third Tuesday in April nineteen hundred five, and organize by electing one of their number president, and another vice president, and the appointment of such committees as said board may determine necessary or advisable.

**Elections of  
members.**

SEC. 241. The members of the board of education of the Union School District of Bay City, as herein provided for, who were elected in the year nineteen hundred three, shall continue in office until the first Saturday in October, nineteen hundred five; the members of said board of education of said district who were elected in the year nineteen hundred four, shall continue in office until the first Saturday in October, nineteen hundred six, and until their respective successors shall have been elected and shall have qualified. On the first Saturday in October, nineteen hundred six, and every two years thereafter there shall be elected one member of said board of education of said district from each ward of said city, each of whom shall continue in office until his successor shall have been elected and shall have qualified. No person shall be eligible for such office who holds any other office or appointment under municipal government of said city or said school district.

**Conducting of  
elections.**

SEC. 242. The voting at such election shall be by ballot, upon which shall be printed the name of the person voted for. The board of education shall at least five days before the time fixed for holding the election designate the place in each ward where the same is to be held and give notice thereof by publishing the same one or more times in one or more newspapers

published in said city. The members of the board of education for each ward, respectively, and the supervisor of such ward, shall constitute a board of inspectors for such election. If there shall be any vacancy in such board of inspectors, or if either member thereof shall fail to appear at the time appointed for the opening of the polls of such election, or, if having appeared, he refuse or neglect to act, then the electors present at the polls at that time shall, by a *viva voce* vote, appoint a suitable person to fill such vacancy and the person or persons so appointed shall constitute the board of inspectors. The inspectors shall appoint a clerk, who shall keep a record wherein he shall enter the names of all persons voting at said election. Neither the inspectors or clerk shall receive any compensation for their services. The inspectors shall open a poll and receive the ballots of all persons entitled to vote at such election. The polls of such election shall be opened at two o'clock in the afternoon and continue open until seven-thirty o'clock in the evening; after the close of the poll, the ballots shall be counted and canvassed by the inspectors. The person receiving the highest number of votes at such election shall be deemed and declared to be duly elected a member of the board of education. The inspectors shall thereupon forthwith prepare a certificate showing the result of the election, which shall be signed by them or a majority of them. They shall also, at the same time, seal up the ballots cast at said election, or if voting be done by voting machines, seal up such machines, and within two days thereafter deliver said certificate and said ballots or voting machines to the recorder of the city who shall file such certificates and keep the same in his office. The said voting machines or the package containing the ballots shall not be opened except upon order of the board of education or of any court having jurisdiction in the premises. The board of education may order the destruction of said ballots at any time after the expiration of one year from the date of holding said election. All the provisions of the act incorporating Bay City, relating to the election of aldermen in said city, so far as the same may be applicable, shall govern as to the manner of holding said election, canvassing and returning the vote, except as in this act otherwise provided. If a new ward shall be created in said city, the board of education shall order the holding of a special election in such ward, at the time and place to be designated by the board and "five at least fifteen days' notice thereof and publish the same one or more times in one of the newspapers published in said city, and shall appoint three reputable persons in such ward to be inspectors of election; but if either of the persons so appointed shall refuse or neglect to serve as such inspector, then the electors present at the time for opening the poll, shall fill the vacancy as hereinbefore provided. The election shall be conducted, the votes canvassed and returns thereof made to the recorder in the same manner and subject to the same regulations as are herein provided in the case of annual election.

**Who considered legal voters.**

SEC. 243. Every person of the age of twenty-one years, whose name appears on the assessment roll of the city for the year preceding the election at which he or she offers to vote, or who is a parent or legal guardian of any child entitled to attend the schools of said city, and who has resided in the city for three months next preceding the day of said election, and in the ward in which he or she offers to vote, for twenty days next preceding the day of said election, shall be entitled to vote in such ward for member of the board of education: Provided, That if the question of raising money for said district by loan shall at any time be submitted to be voted upon by the electors at an annual election, or at a special election called for that purpose, as hereinafter provided, only persons whose names appear on the assessment roll for the year next preceding such election shall be entitled to vote in respect to such loan.

**Challenge of voters.**

SEC. 244. If any person offering to vote at said election shall be challenged as unqualified by any legal voter in said ward, one of the inspectors shall declare to the person challenged the qualifications of a voter, and if such person shall state that he is qualified and the challenge shall not be withdrawn, one of the inspectors shall tender to him the following oath: "You do swear (or affirm) that you are twenty-one years of age; that you have been for the last three months an actual resident of Bay City and for the last twenty days an actual resident of this ward, and that you have been assessed for school taxes in said Bay City for the preceding year." And every person taking such oath shall be permitted to vote at said election, both for member of the board of education and upon questions involving the raising of money by loan. Or the person so challenged may take the following oath: "You do swear (or affirm) that you have been for the last three months an actual resident of Bay City and for the last twenty days a resident of this ward, and that you are a parent or legal guardian of one or more children entitled to attend the schools of said city." And the person taking such oath shall be permitted to vote for member of the board of education, but shall not be permitted to vote upon questions involving the raising of money. If any person so challenged shall refuse to take such oath, his vote may be rejected; and any person who shall take a false oath, or make a false affirmation under the provision of this section, shall be deemed guilty of perjury, and be subject to the pains and penalties thereof.

**Penalty for disorderly conduct at polls.**

SEC. 245. If, at any such election, any person shall conduct himself in a disorderly manner, and if, after notice thereof by either of the inspectors of election, shall persist therein, either of the inspectors may order him to withdraw from the place of holding the poll, and on his refusal may order any constable, sheriff or deputy sheriff or any policeman, or any other person or persons, to take him into custody until the polls of said election shall be closed and any person who shall refuse to withdraw from the place of holding said poll on being so ordered, as herein provided, and also any person who

shall wilfully disturb the said election by rude, indecent behavior, by profane or indecent discourse, or in any other way make such disturbance, he shall, on conviction thereof, be punished by a fine of not less than ten dollars, or more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

SEC. 246. Each member of said board, elected as herein provided, shall, within ten days after being notified by the recorder of his election, take and file with the recorder of said city, the constitutional oath or affirmation of office. In case a vacancy shall occur in the membership of said board the vacancy shall be filled by appointment by the board of education, and the person so appointed shall hold office until the next regular election herein provided for.

SEC. 247. The recorder of the city shall be ex officio clerk of said board and shall perform such duties as the board of education shall require, and he shall keep the record of the proceedings of the said board at his office. In case of his absence or inability to perform the duties, the board may appoint some suitable person to be clerk pro tem.

SEC. 248. If the recorder shall not discharge his duties to the satisfaction of the said board, he may be removed, as such clerk and the board may appoint a clerk for the remainder of the term of such recorder. Such clerk shall possess all the powers of the recorder, so far as his powers relate to the business of said school district. And the board of education may fix and pay such clerk a suitable compensation, not exceeding five hundred dollars.

SEC. 249. The treasurer of said city shall be treasurer of said board, and shall keep all moneys belonging to the school funds of said district separate from all other moneys in his possession, and shall not pay out or expend any of such money without the authority of said board. The treasurer shall, before receiving any of the money of said district, give a bond to said district, in a penalty to be fixed by the board in an amount not less than the amount of money that is likely to come into his hands, belonging to said district, with such surety or sureties as may be approved by said board, conditioned for the faithful performance of his duties as such treasurer, and the proper care and application of all school funds which shall come into his hands as such treasurer. Said board of education may at any time, and from time to time require said city treasurer to execute a new or additional bond upon like conditions, in such penalty and signed by such sureties as shall be satisfactory to the said board. The said treasurer shall deposit the school funds in his possession in such bank in Bay City, or with such person or corporation, therein as will pay the greatest amount of interest, and shall give good security by bond, with sufficient and responsible surety or sureties to be approved by said board, conditioned for the payment thereof as needed in the management of said district and as ordered by said board: Provided, That the recorder shall, in July in each year, invite proposals for such

*Members to  
take oath.*

*Vacancies,  
how filled.*

*Who to be  
clerk.*

*When board  
may appoint  
clerk.*

*City treasurer  
to be treas-  
urer of board,  
duties, etc.*

*Proviso.*

deposits, by publishing notice inviting bids for such deposits in one or more newspapers published in said city, for four successive weeks, and the person or corporation offering the largest amount of interest, and who shall comply with this section shall receive such deposits. The interest accruing therefrom shall be added to the school fund of such district: And, provided further, That said funds shall not be loaned to, or deposited with any member or officer of said board or of the city, or loaned to or deposited with any firm, company or corporation with which any member of said board or officer of said city is interested as partner, stockholder or otherwise, nor shall any member of said board or officer of said city be accepted as surety upon any bond provided for in this section. This proviso shall not apply to banks or bankers. If said city treasurer shall, within twenty days after being required by the board of education, fail to file such bond, as the said board is hereinbefore authorized to require of said treasurer, and shall fail to comply with the directions of the board in that behalf, then and in such case said board may appoint some other person to be treasurer of the district for the unexpired portion of the term of said city treasurer. And the person so appointed shall, upon executing such bond as the board shall require and approve, be custodian of the funds of the district, and shall be entitled to demand and receive the same from the city treasurer from time to time as such funds may come into his hands. If the city treasurer shall fail promptly to comply with such demand, he shall be deemed guilty of embezzlement and be subject to the pains and penalties thereof. The board may fix and pay the person so appointed treasurer a suitable compensation for his services.

**Powers and  
duties of  
board.**

SEC. 250. The board of education shall have full power and authority to purchase school sites, improve and ornament the same, to hire or build and furnish schoolhouses, to establish and maintain schools, employ a superintendent, teachers, janitors and such other officers, agents and assistants as in its judgment may be necessary, to provide furniture, fuel, books, apparatus, tools and conveniences necessary or convenient for such schools, to fix the salary and compensation of the superintendent, the teachers and other employes of the district. Said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said city between the ages of five and twenty years; relative to making all necessary reports and transmitting them to the proper officers as designated by law, so that the said school district may receive its proportion of the primary school funds; relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than nine months in each year; relative to the employment and examination of teachers, their powers and duties; relative to the officers and employes of said district, and to prescribe their powers and duties; relative to the regulation of schools, the course of study and the books to be used therein; relative to anything whatever that may advance the interests of education, the

**Further  
proviso.**

**When board  
may appoint  
treasurer.**

good government and prosperity of the schools in said city, and the welfare of the public concerning the same.

SEC. 251. Said board shall also have power to establish a May establish high school or schools and to grant certificates of scholarship in such form as it may deem proper to pupils completing satisfactorily the course of study.

SEC. 252. Said board shall have the power and it shall be its duty annually, on or before the twentieth day of June in each year, to determine by a majority vote of all the members thereof which said vote shall be entered in the records of its proceedings, the amount of money necessary to be raised by tax on the property of said district to defray the expenses of the schools of said district for the ensuing year and the amount of money necessary to pay the interest and principal of any debt due in each year for such district, also the amount of money necessary to purchase sites for school buildings, and to build or repair any schoolhouse in said district; and the comptroller of said Bay City shall cause the said amounts of money so voted to be assessed upon the taxable property of said city in the first general city tax roll thereafter made, upon which general city taxes shall be assessed; and the comptroller shall have the same power and discharge the same duties, as to the assessment of said school taxes, that can or may be conferred or imposed by law upon him in relation to the general taxes of Bay City. Said taxes shall be collected at the same time and in the same manner as the other city taxes in said roll mentioned: Provided, That the amount which may be raised by a tax in any one year for the expense of schools of said district, exclusive of such sum as may be required to pay the principal and interest of the bonded debt of said district, shall not exceed the sum of one per cent on the assessed valuation of said district according to the last preceding assessment roll of the city.

SEC. 253. All taxes assessed and levied under and by virtue of this act for school purposes, shall be set forth in the assessment roll of said city in a separate column, apart and distinguished from all other taxes; and the treasurer of said city shall collect said taxes in money. In the warrant required by law to be annexed by the comptroller to the tax roll upon which such school taxes are assessed, said treasurer shall be commanded and it shall be his duty to levy and collect the school taxes in the same way and at the same time as the general city taxes. Said treasurer shall have and possess all the powers requisite to enforce the collection of said taxes which are given him by the laws of the State for the collection of other taxes. But said treasurer shall not receive in payment of said taxes, any liability or evidence of debt against said city. The taxes remaining delinquent upon the said roll after the time allowed for the collection of the same, shall be in all respects returned, managed, treated, collected and enforced in the same way and in the same manner as is provided by law for the return, collection and enforcement of the general city taxes of said city, and the provisions of the general tax laws of this

May establish high schools.

Board to estimate amount needed to be raised by taxation.

Proviso.

School taxes, how set forth, etc., on roll.

Relative to delinquent taxes.

State shall apply to and govern in the proceedings relative to the assessment, collection, enforcement and return of such school taxes, so far as the same may be applicable, except as in this act otherwise provided. The treasurer of the city shall demand and receive from the county treasurer of Bay County all moneys collected or received by him for and on account of such school taxes, and all primary school funds apportioned to said district.

**Board authorized to borrow money and issue bonds.** SEC. 254. The board of education of Bay City is hereby authorized from time to time to borrow money and to issue the bonds of said district therefor, for the purpose of purchasing sites for school houses, ornamenting the same, and for building and repairing and furnishing schoolhouses thereon. No money shall be borrowed by said board of education until the same shall be approved by a majority vote of the tax paying electors of said city. Said board shall not contract to pay interest upon any such loan, at a greater rate than five per cent per annum, and no bond shall be sold or negotiated by said board of education, or by any person or officer acting for said board, at less than par, and the interest accrued thereon up to the time of such negotiation and sale. Said loan shall not exceed one-half of one per cent on the total valuation of property on the last preceding assessment roll of said city. Whenever said board of education shall deem it necessary to borrow money for the purposes mentioned in this section, it shall so declare by resolution; said resolution may be in the following form, viz.: Resolved; That this board deems it necessary to borrow the sum of ..... dollars upon the bonds of the district for the purpose of (here state purpose generally); such bonds to be made payable in not less than ..... years, nor more than ..... years, and to draw interest at the rate not exceeding ..... per cent per annum." The question of raising such money by loan may be submitted to a vote of the electors of said city at any general election held under this act, or at a special election called for that purpose, said board, shall thereupon, by resolution, direct such special election to be held in the several wards of said city at a time and at a place in each ward respectively to be fixed by said board not less than twenty days thereafter. Thereupon the recorder of said city shall cause notice of such resolution and of the time and places of holding such special election to be posted in three public places in each ward of said city, and to be published in one or more newspapers printed and circulated in said city for at least two weeks preceding the time fixed for holding such special election; such special election shall be held upon the day and at the places in each ward so designated in said notice. The vote upon the question of raising said money by loan shall be by ballot, having written or printed thereon the words "In favor of the loan" or "Against the loan." The election shall be conducted in the manner hereinbefore provided for. The inspectors in each ward respectively shall canvass the votes and certify the result of such election in such ward to the board of education, and file the same with

**Question to be submitted to electors.**

**Form of resolution.**

**Notice of time and place of holding elections.**

**Form of ballot.**

the recorder. The board of education shall canvass such certificates and declare the results of such election in the city. Proof by affidavit of the posting and publication of said notice shall be filed with the recorder. Such affidavit and the certificates of the inspectors of such election and the action of the board of education in canvassing the same and declaring the result of such election may be recorded at length upon the records of said board, and a certified copy of such record shall be prima facie evidence of the contents thereof and the genuineness of the signatures thereto.

SEC. 255. All orders drawn on the treasurer for school money shall be drawn and signed by the recorder and counter-signed by the comptroller. The comptroller, city treasurer and all the employes of the board of education shall take notice officially of the acts, orders and proceedings of said board.

SEC. 256. At the first regular meeting of the board held after the school election, the board shall elect one of their number president and another vice-president. The president shall preside at all meetings of the board, and shall possess the powers and perform the duties provided for in the by-laws and ordinances of the board. In case of the death, continual absence from the city or resignation of the president, or in case of his inability to perform the duties of his office, the same shall, for the time being devolve upon the vice-president. No member of the board shall be personally interested in any contract with the board or with the union school district of Bay City, nor interested in any way in the sale of any property, either real or personal, to said board, or to said union school district, and no member shall vote on any question in which he shall be personally interested, but on all other questions he shall vote unless excused by the unanimous consent of the board. The board may, from time to time, by a two-thirds vote of all the members-elect, adopt such by-laws, ordinances and rules as are not inconsistent with this act. The president, or vice-president when acting as president, may file with the clerk of the board his objections in writing to any by-law, ordinance, resolution, motion or order of the board within five days after the passage or adoption of the same, setting forth the reasons for his disapproval thereof, and in such case such by-law, ordinance, resolution, motion or order shall not become operative or take effect unless again passed or adopted by a two-thirds vote of all the members elect.

SEC. 257. All of the property rights or credits now held or existing in the union school district, Bay City, and the board of education of West Bay City, are hereby confirmed and continued in the union school district, created by this act. Taxes levied for and on account of school purposes in Bay City and West Bay City, or other proceedings had for the collection and enforcement thereof, shall not be in any way affected by the passage of this act, but the same shall be continued and enforced in the same way and manner as now provided by law, except as in this act otherwise provided.

**Debts, liabilities, etc.**

SEC. 258. All of the debts and liabilities of the present union school district of Bay City, and of the public schools of West Bay City, whether in the form of bonds or other express contracts, or in any other form, and whether liquidated or not, shall be and become the debts and liabilities of the union school district of Bay City, to the full extent of their present validity.

**How may extend time of payment of bonds.**

SEC. 259. Whenever it shall be deemed necessary by the board of education to extend the time of payment of any bonds falling due, new bonds may be issued in place of former bonds so falling due, in such manner as merely to change but not to increase the indebtedness of said school district. Each bond shall show upon its face the fact that it is a refunding bond, and for the refunding of which bond or bonds it is issued. Such bond shall be issued in any denomination not less than one hundred dollars and not more than one thousand dollars each, as directed by the board of education, and shall be signed by the president and clerk of said board of education, and countersigned by the treasurer thereof. And all bonds issued by said union school district, shall be issued and signed as above provided.

**By-laws, etc., to remain in force.**

SEC. 260. The by-laws, rules and regulations of the board of education of the Union School District of Bay City, and of the board of education of West Bay City, shall remain in force and continue operative in the territory of the said respective cities as now constituted, until repealed, amended or modified by the board of education of the union school district of Bay City, except as they may be inconsistent with the provisions of this act, or the general laws of the State.

## CHAPTER XVIII.

### PUBLIC LIBRARIES.

**Board of education to appoint trustees.**

**Terms of office.**

SEC. 261. At the first meeting of the board of education herein provided for, or as soon thereafter as convenient, said board shall appoint six persons, who, together with the president of said board of education, shall be trustees of the public library or libraries of Bay City, except as herein otherwise provided; one of said trustees shall hold his office for the term of six years, one for five years, one for four years, one for three years, one for two years, and one for one year, and annually thereafter at the second meeting of said board in the month of April, there shall be elected one trustee for the term of six years. The said board of education shall designate which of the trustees so first appointed, shall hold for the several terms above mentioned; in case of a vacancy occurring in said board of trustees by death, removal from said city, resignation or otherwise, the said board of education shall appoint a person to fill the said vacancy. Each trustee so appointed shall hold his office until his successor shall have been appointed and shall have qualified, and for one, two, or more years, as the

case may be, from the second Monday in April, of the year in which he shall have been appointed.

SEC. 262.—Said board of trustees shall be a body corporate by the name and style of the board of trustees of the public libraries of Bay City, and by that name may sue and be sued, acquire, hold and convey property, and shall be subject to all the general laws of the State relative to corporations, so far as the same may be applicable; the books, pamphlets, papers, bookcases, and other property now belonging to the public library of Bay City, which are now held and controlled by the board of trustees of the public library of Bay City shall be transferred to the care, custody and control of the said trustees of the said public library as soon as they shall be appointed, and the title thereto shall be thereafter vested in the board of trustees hereby created; all public money which is now, or which shall be hereafter appropriated by law to the support of the public library or libraries in Bay City, shall be expended under the direction of said trustees, and the title to the property therewith purchased shall vest in such board of trustees. The treasurer of Bay City shall be treasurer of said board, and no money legally appropriated to the support of any of said public libraries shall be paid out by such treasurer, except in pursuance of an order, or resolution, of said board of trustees upon a warrant signed by the president of said board of trustees, and countersigned by the secretary thereof. The said board of trustees shall not expend any of said money for any purpose other than the building up and maintaining of said public libraries. The common council of said city shall annually raise by tax upon the real and personal property within said city, the sum of two thousand dollars, and said council may annually, in its discretion raise by tax, a further sum not exceeding three thousand dollars, which money shall be appropriated to the purposes of said libraries; and be payable as hereinbefore provided. Said taxes shall be levied and collected in the same manner as the moneys raised to defray the general expenses of the city. Said board of trustees shall keep and maintain said public libraries as free circulating libraries for the use of the inhabitants of the said Bay City over twelve years of age, and they may make all such reasonable rules and regulations relative to the use of said library as they may deem expedient, and to that end they may impose fines for detaining a book longer than the time prescribed in such regulations, or for mutilating or destroying books: Provided, however, That the fine chargeable in any case shall not exceed the value of the book so detained, mutilated or destroyed. Such board of trustees may require security to be given by persons applying for books for the faithful compliance of said rules and regulations before such persons shall be permitted to take books from said libraries. Said board of trustees shall adopt such rules and regulations as may be deemed advisable providing for the so-called free access or "open shelf" system.

Powers,  
duties, etc.,  
of library  
trustees.

**May hold property, etc.** SEC. 263. Said board of trustees shall have power to acquire and hold such property as may be suitable and convenient for the purposes of libraries, and to receive gifts and legacies. All the property of such board of trustees shall be exempt from execution or other judicial process, and shall also be exempt from all taxes or assessments, except taxes for local improvements. Said board of trustees shall annually in the month of March, make and publish a report showing the condition of its libraries, and the manner in which the moneys received by it during the current year, have been expended: Provided, That said trustees shall not contract any indebtedness, without the consent of the common council of Bay City.

**To make annual report.**

**Who to be chairman.** SEC. 264. The president of the board of education of said city shall be ex officio chairman of the board of trustees and entitled to participate in its proceedings, and in case of a tie, to cast the deciding vote.

**Who to be trustees for Sage library.** SEC. 265. The resident clergymen of the following church organizations, that are now organized or shall hereafter be organized on the west side of the Saginaw river in Bay City, viz.: The Presbyterian church, the Methodist Episcopal church, the Baptist church, the Congregational church, the Episcopal church, the Catholic church, the German Lutheran church, the Swedish church, and each of them which maintain an organization in said portion of said city, the president of the board of education in said city, the superintendent of public schools in said city, the mayor of said city, and five citizens residing on the west side of the Saginaw river in said city, to be provided for as hereinafter authorized, shall be a board of trustees for the Sage library of said city, and are and shall be authorized to purchase, or to receive by gift, grant or conveyance, property, real and personal, for the purpose of maintaining a public library in said city; and all public moneys which are now or shall be hereafter appropriated by law to the support of a public library in said city shall be expended under the direction of said board of trustees; and the title to all property purchased therewith shall vest in such board of trustees for the use and benefit of said city, and the library shall be known as the Sage library.

**Powers and duties.**

**Who to be treasurer.** SEC. 266. The treasurer of said city shall be treasurer of such board of trustees, and no money legally appropriated to the support of said public library shall be paid out by said treasurer except in pursuance of an order of said board of trustees upon a warrant signed by the president of said board and countersigned by the secretary thereof. Said board of trustees shall not expend any of said money for any purpose other than the building up and maintenance of said library, or the building and grounds connected therewith.

**Council to make annual appropriation.** SEC. 267. The common council of said city shall annually raise by tax on the real and personal property within said city, the sum of six hundred dollars, which amount the said council may in its discretion, raise to a sum not exceeding one thousand dollars, which money shall be appropriated for the

annual addition of books to said library, and for binding, repairing and caring for the same. Said council shall also appropriate from the moneys raised for general purposes in said city, each year, a sum sufficient to pay for the services of a janitor and librarian to keep said library and reading room attached thereto in proper condition and repair and properly heated and lighted from eight o'clock in the morning to nine o'clock in the evening of each week day in the year; such taxes shall be levied and collected in the same manner as the money raised to defray the general expenses of the city.

SEC. 268. The said board of trustees shall keep and maintain said library as a free circulating library for the use of the inhabitants of Bay City over twelve years of age, and they may make all such reasonable rules and regulations relating to the use of such library as they may deem expedient; to that end they may impose and collect fines for detaining books longer than a certain time, for mutilating or destroying, or in any way injuring any book: Provided, That no fine shall in any case exceed twice the value of the book so mutilated, lost, detained, or destroyed, and they may require security to be given for a faithful compliance with the said regulations before such person shall be permitted to take books from said library. Such library and reading room shall be by said board kept open during each work day in the year, so that patrons thereof can with comfort occupy said rooms for reading or lectures, or debates, under such rules and regulations as may be prescribed by said board of trustees.

SEC. 269. Said board of trustees shall have power to acquire and hold such property as may be suitable or convenient for the purpose of a library, and to receive gifts and legacies of either real or personal property. The property of said board shall be exempt from execution or any other judicial process and shall also be exempt from all taxes and assessments. Said board of trustees shall annually, in the month of March, make and publish a report showing the condition of its library, and the manner in which all money received by it during the current year has been expended: Provided, That said trustees shall not contract any indebtedness in any year beyond the amount provided for in this act, without the consent of the common council of said city.

SEC. 270. In case Henry W. Sage, of Ithaca, New York, shall give or convey a building, grounds and library to the said board of trustees, he is hereby authorized, and may appoint five citizens of said city as members of said board of trustees, who shall hold office for a term of five years from the date of such appointment, which appointment shall be filed with the recorder of said city. Such one of the said five trustees as shall be designated by said Henry W. Sage, shall be president of said board of trustees, and the secretary of said board shall be appointed by the board of trustees, and such secretary shall hold his office during the pleasure of the board of trustees. At the end of the term of five years, for which said citizens shall be appointed by said Henry W. Sage, the said board shall appoint

Trustees to  
maintain  
library.

Proviso as to  
fines.

May hold  
property, etc.

Proviso.

Proceedings  
in case H. W.  
Sage should  
give library,  
to city.

five trustees in place of the aforesaid five trustees appointed by said Henry W. Sage, whose terms of office, when then first appointed, shall be as follows: One for one year, one for two years, one for three years, one for four years, and one for five years, and at the expiration of the term of each outgoing trustee there shall be appointed one member for five years by the members of the boards [board] of trustees; and after the said term of five years, the president of such board shall be elected annually by the board of trustees.

Certain books,  
etc., trans-  
ferred.

SEC. 271. The books, pamphlets, paper, bookcases, and property now belonging to school district number two of said city, which are now held and controlled by said school district, may be transferred to the care, custody and control of said board of trustees, whenever said board shall have obtained a building and library of their own, pursuant to this act.

In case of  
vacancies in  
board of  
trustees.

SEC. 272. In case any member of the board of trustees shall remove from the city he shall vacate his office by so doing, and in case such vacancy shall be caused by the removal of any clergyman of any of said church societies, his successor shall become a member of the board, and in case a vacancy shall be caused by the death, resignation or removal of one of the trustees, other than the resident clergymen, the principal of the said school, the chairman of the board of trustees of said school district, or the mayor of the city, the board shall fill such vacancy by appointment.

Council to  
make annual  
appropriation.

SEC. 273. The common council are hereby authorized and required to raise by tax, bond or otherwise, and to set aside, appropriate and place in the hands of the treasurer of such board of trustees annually, the sum of one thousand dollars, for the period of ten years next ensuing, in addition to all other sums of money provided for in this act, said money to be devoted exclusively to the purchase of new and additional books, pamphlets and reading matter for said library, under the direction and supervision of the board of trustees of said library: Provided, That no such tax shall be levied or raised unless some person or persons donate, give, devise or bequeath a like sum to be added to the fund herein provided, for a like purpose; and said city, or the common council thereof, are hereby authorized to receive for such purpose any sum or sums of money so given, devised or bequeathed for such purpose, or to make written contracts or agreements with any person or persons to provide such fund for such purpose: Provided further, That any and all sums of money belonging to said board of trustees now in the possession of the treasurer of West Bay City, shall be and continue the property of the said board of trustees of the said Sage library.

Proviso.

Further  
proviso.

Postoffice not  
to be affected.

SEC. 274. The postoffice now maintained in the present city of West Bay City is not to be affected, in the least, by the passage of this act or on account thereof, and for the convenience of the people residing on the west side of the Saginaw river, we hereby jointly express the wish and desire of all the inhabitants of the present cities of Bay City and West Bay City, that the said postoffice be continued and maintained

as heretofore, as the discontinuance of same would be a great inconvenience and injustice to our people residing on the west side of the Saginaw river, and in the city.

All acts and parts of acts in conflict herewith are hereby repealed.

Approved June 8, 1903.

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[No. 515.]

AN ACT to detach certain territory from the Union School District of the city of Owosso, and attach the same to Owosso township.

*The People of the State of Michigan enact:*

SECTION 1. The following described piece of land in the ~~Territory~~ <sup>detached.</sup> city of Owosso, county of Shiawassee, described as follows: The northeast quarter of section twenty-six, township of Owosso, is hereby detached from and shall cease to be a part of the Union School District of Owosso, city of Owosso, county of Shiawassee, and is hereby attached to the township of Owosso, in said county of Shiawassee.

Sec. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed. ~~Repealing clause.~~

Approved June 9, 1903.

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[No. 516.]

AN ACT to amend section thirty-four of title five, and section thirty of title eight of the charter of the city of Grand Rapids, being Local Act number three hundred seventy-four of the laws of eighteen hundred ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids," approved March eighteenth, eighteen hundred ninety-seven, so as to provide a method of making sales of lots for special assessments and the keeping record thereof.

*The People of the State of Michigan enact:*

SECTION 1. Section thirty-four of title five, and section ~~Sections~~ <sup>amended.</sup> thirty of title eight of the charter of the city of Grand Rapids, being Local Act number three hundred seventy-four of the laws of eighteen hundred ninety-seven, are hereby amended so as to read as follows, to wit:

## TITLE V.

Duties of city  
officers rela-  
tive to  
auctions.

SEC. 34. The city treasurer or his deputy shall attend said sale and act as auctioneer. Said auctioneer shall sell all lots or parcels of real estate so advertised upon which such assessments and costs remain unpaid at the time of selling. The city treasurer shall attend said sale and enter in the book provided for that purpose a description of the real estate sold, the name of the purchaser and the amount of his bid, and shall make out and deliver to such purchaser a certificate containing a description of the real estate purchased by him, the amount of the assessment due, and the amount of the costs due, each separately, and the amount of his bid; which certificate shall contain a statement that said purchaser will be entitled to a deed of the real estate described therein at the expiration of one year from such sale, unless the same shall sooner be redeemed. The city treasurer shall receive any assessment, percentage and costs due, at any time before the sale of the real estate upon which the same was assessed and pay the same into the city treasury. The costs, if paid before sale, shall be twenty-five cents on each parcel so paid, the cost of advertising and the fees for collection prescribed in said roll.

## TITLE VIII.

Treasurer to  
give receipt.

SEC. 30. Whenever any payment is made to the city treasurer either for taxes or for the redemption of any real estate sold for taxes, he shall give a receipt therefor to the person making such payment and keep a record thereof in some suitable manner in his own office, to be kept as a part of the official records of his office.

Repealing  
clause.

SEC. 2. All acts or parts of acts contravening or inconsistent with this act are hereby repealed: Provided, That all liens that may have attached to any real estate under former acts may be enforced hereunder.

Proviso.

This act is ordered to take immediate effect.

Approved June 9, 1903.

## [No. 517.]

**AN ACT** to detach certain territory from the Union School District of the township of Millen, in the county of Alcona, and to detach certain territory from the Union School District of the township of Hawes, in the county of Alcona, and to organize a fractional union school district in said townships to be known as "The Fractional Union School District of the Townships of Millen and Hawes," in the county of Alcona.

*The People of the State of Michigan enact:*

**SECTION 1.** Sections five, six, seven, eight and the west one-half of sections nine and sixteen in township twenty-six, north of range seven east, are hereby detached from the union school district of the township of Millen, in the county of Alcona, and sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-three, thirty-four, thirty-five and thirty-six in town twenty-seven north of range seven east, are hereby detached from the union school district of the township of Hawes, in the county of Alcona, and that sections five, six, seven and eight and the west one-half of sections nine and sixteen in township twenty-six, north of range seven east, and sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six in township twenty-seven, north of range seven east, are hereby formed, organized and incorporated into and shall constitute one fractional union school district, which shall be a body corporate, and be known by the name and style of "The Name, pow-  
ers, etc., of  
Fractional Union School District of the Townships of Millen and Hawes," in the county of Alcona, and by that name may sue and be sued, and shall be subject to the general laws of this State relative to corporations so far as the same may be applicable and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, and all general provisions of law relating to common or primary schools shall apply and be enforced in said district, and of fractional school districts, except as shall be inconsistent with the provisions of this act. The officers of said district shall be five trustees, elected by the voters of said district, and shall be known as the board of education who shall have all the powers of the district school board of a graded school, and elect their officers in the same manner.

**SEC. 2.** The annual meeting of said district shall be held First meeting,  
on the second Monday in July each year, at the hour of holding when and  
the annual meeting of a primary school. The first meeting where held.  
to be held after this act takes effect shall be held at such place  
and at such hour as the district school board of the fractional  
school district number two of Millen and Hawes may designate.  
and the director of said district school board of Millen and

Hawes, fractional, number two, shall give notice of said meeting by posting notices of the same in three of the most conspicuous places in said territory at least eight days previous to said meeting. The district board of fractional school district number two of Millen and Hawes shall be the inspectors of said election at said first meeting and shall canvass the vote and declare the result thereof. At said first meeting there shall be elected five trustees by ballot, one to serve for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years. At subsequent annual meetings a trustee for five years shall be elected. Such officers of said board shall receive such compensation as the voters of said district shall vote, and no other compensation shall be allowed. In the absence of the director of said board those present may select one of their own number to act in his place. The officers of said board shall consist of the same officers as are applicable to the graded school laws and shall be under the same laws except such as shall be inconsistent with this act.

**SEC. 3.** The fractional union school district of the townships of Millen and Hawes shall succeed to all the rights, property and effects of the school districts within said territory and all delinquent taxes for schools in said territory.

This act is ordered to take immediate effect.

Approved June 9, 1903.

[No. 518.]

AN ACT to authorize the board of auditors of the county of Wayne to issue registered bonds of said county in exchange for any coupon bonds of said county outstanding, to prescribe the method by which said registered bonds shall be transferred and the interest thereon paid, and to provide relief in cases of lost or destroyed registered bonds.

*The People of the State of Michigan enact:*

Bondholder to pay cost of exchange.

**SECTION 1.** On the demand of the owner of any coupon bonds of the county of Wayne heretofore or hereafter issued, the board of auditors of said county shall prepare and issue to such owner registered bonds of said county in lieu of the coupon bonds offered for exchange, for which exchange said owner may be required to pay a reasonable compensation to cover the expense thereof. The bonds so issued shall be of the same denomination or multiples thereof, bear the same rate of interest, and be payable at the same time and in the same manner both as to interest and principal as the coupon bonds for which they were exchanged.

**SECTION 2.** All registered bonds shall be signed by the board of county auditors, duly attested by the county clerk, and shall contain a certificate signed by the chairman of the board.

Registered bonds, how signed.

auditors and the county treasurer that the old bonds in place of which the new bonds are issued have been duly canceled by them, and the old bonds so canceled shall be filed in the same manner as is provided for bonds redeemed. A book shall be kept in each of the offices of the auditors and the county treasurer in which shall be entered the date, number, series, denomination, and owner of all registered bonds, and the number and series of the coupon bonds for which exchange, if any, and of all payments of interest thereon, and the interest and principal of registered bonds shall when due be paid to the order of the person, corporation or firm who appears by such books to be the owner thereof. Such registered bonds may be transferred on said books, for which purpose there shall be printed form on the back of said bonds together with directions to be followed in the execution of such transfers by the owner in person, or by a person authorized to do so by power of attorney, resolution or otherwise, or by the presentation of duly authenticated letters of administration. The auditors shall have authority to determine in what manner transfers shall be executed and before whom acknowledgments thereof shall be taken, and to require documentary evidence of the authority of the person or persons executing the transfer so to do, and of the official character of the acknowledging officer. All such evidence of authority shall be filed and carefully preserved in their office by the said board of auditors. A bond may be assigned for division among two or more parties, their names and the amount to each being stated in the assignment. When only part of a bond is assigned, a new issue for the remainder shall be made to the former payee of the whole bond: Provided, however, That the amount assigned must correspond with one or more of the denominations in which the bonds were originally issued.

SEC. 3. It shall be the duty of the auditors to procure from the county treasurer and transmit by mail, unless otherwise directed by the owner, to each owner of registered bonds of the county of Wayne, at his last known postoffice address, a draft or check payable at par at the place where the original coupons were payable, for the amount of interest due thereon. Documentary evidence of authority for the indorsement of interest checks or drafts by power of attorney or otherwise may be required by the auditors, and the same shall be filed and preserved by them.

SEC. 4. Whenever it has been proven to the satisfaction of the board of auditors, the county treasurer and the county clerk that any duly registered bond of the county of Wayne, issued for a valuable consideration in pursuance of law, has been lost or destroyed, so that the same is not held by any person as his own property, they shall issue a duplicate of such registered bond of like amount and bearing like interest and marked in like manner as the bond so proved to be lost and destroyed: Provided, however, That the owner of such missing bond shall first file with the county clerk a bond in a penal sum equal to twice the amount of such missing bond and the

Record or,  
to be kept.

May be  
transferred.

Proviso.

Interest, how  
paid.

When dupli-  
cate bonds  
may be issued.

Proviso.

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interest due or to become due thereon, executed by some surety company, to be approved by the board of auditors, with condition to indemnify and save harmless the county of Wayne from any claim because of the lost or destroyed bond.

This act is ordered to take immediate effect.

Approved June 9, 1903.

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[No. 519.]

AN ACT exempting certain bonds issued by the city of Adrian, Michigan, for paving and sewer purposes, from taxation.

*The People of the State of Michigan enact:*

**Bonds exempt from taxation.** SECTION 1. The bonds, to the amount of fifty thousand dollars, bearing interest at the rate of three per cent per annum, and payable in five, ten, fifteen, twenty and twenty-five years, issued and to be issued by the city of Adrian, Michigan, for paving and sewer purposes, as voted by the electors of said city, at a special election held therein for that purpose, on the first day of July, nineteen hundred one, are hereby exempted from city taxation.

This act is ordered to take immediate effect.

Approved June 9, 1903.

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[No. 520.]

AN ACT to provide for the location and establishment of a public park in the village of Mackinaw City, in the county of Cheboygan, and to provide for the transfer of certain lands by the village of Mackinaw City to the State of Michigan therefor.

*The People of the State of Michigan enact:*

**Council may provide for park.**

SECTION 1. The village council of the village of Mackinaw City, in Cheboygan county, is hereby authorized and empowered to provide for the location and establishment of a public park in said village, and to transfer by deed, the site formerly occupied as a military post under the name of Fort Michilimackinac, in the village of Mackinaw City, in Cheboygan county, to the State of Michigan, in trust, for the purpose of erecting thereon a monument in commemoration of the massacre of the entire garrison stationed at said Fort Michilimackinac by the Indians, in the year A. D. seventeen hundred sixty-three.

This act is ordered to take immediate effect.

Approved June 9, 1903.

## [No. 521.]

AN ACT to provide for the creation of a board of county auditors for the county of Kent; to prescribe the powers and duties of its members, and to provide for their compensation.

*The People of the State of Michigan enact:*

SECTION 1. There is hereby created a county board of auditors for the county of Kent; the said board to consist of three members, to be appointed by the Governor, which persons so appointed shall assume the duties of their said offices on the first day of July, A. D. nineteen hundred three, and shall hold their offices until January first, A. D. nineteen hundred five, or until their successors are elected and have qualified. Who to appoint, etc.

SEC. 2. At the general election held in said county in the year nineteen hundred four, there shall be elected three members of the county board of auditors, who shall hold their offices from and after the first day of January succeeding such election, for the periods of two, four and six years respectively, and the persons to be elected for each particular period shall be so designated upon the ballot. At every general election held thereafter, there shall be elected one member of the said board who shall hold office for six years. Whenever a vacancy shall occur on said board it shall be filled by appointment by the Governor, and said appointee shall hold said office until the next general election, or until his successor is duly elected and qualified. No person holding any other office or employed under the county of Kent, the city of Grand Rapids, or any of the townships of the county of Kent, and no person not being an elector of said county, shall be eligible to election or appointment as a member of said board of auditors. Vacancy, how filled.

SEC. 3. At the first meeting of the said board, after the passage of this act, the members shall proceed to elect a chairman from among the members of said board. After January first, A. D. nineteen hundred five, the member of said board whose term of office shall first expire, shall be chairman of said board. The clerk of the county of Kent or his deputy shall serve as clerk of said board of auditors without extra compensation therefor. Any two members of said board shall constitute a quorum for the transaction of business. Who to be officers.

SEC. 4. The chairman of said board shall preside at all meetings. The clerk of said board shall, in addition to all such duties as may devolve upon him, keep a complete record of all business transacted by the said board, and a minute of all proceedings of all meetings held, and shall have charge of all letters, papers and documents. The members of said board shall receive compensation at the rate of five dollars per day, for the time actually spent in the attendance at the sessions of the said board, and six cents per mile, one way, for each mile actually traveled from their place of residence to said place of meeting. Duties of officers.

**When board to meet.** SEC. 5. Said board of county auditors shall meet for the transaction of business, in the office of the county clerk of Kent county, on the last Wednesday of each month, after their appointment or election, and shall remain in session not longer than that day and the two succeeding days, and from eight o'clock a. m. to twelve o'clock m., and from one o'clock p. m. to five o'clock p. m. of each of said days: Provided, That if said board shall be unable to dispose of all pending bills at their December meeting of each year, they may continue in session for the remainder of the week.

**Proviso.**

**Treasurer not to pay money except on warrant of board.** SEC. 6. It shall be unlawful for the county treasurer of the said county of Kent to pay out any moneys except upon the warrant of the said board of county auditors, which shall be signed by the chairman of said board, and countersigned by its clerk; and no warrants shall be drawn or issued by said board except for the amount of a just claim against said county which shall have been duly allowed by said board, except in the case of jury and witness fees. Any violation of the provisions of this section, shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars or by imprisonment not to exceed two years, or by both such fine and imprisonment in the discretion of the court.

**Powers of board.** SEC. 7. The said board shall have power, and it is hereby expressly authorized:

**Purchase supplies.** First, To purchase any and all such supplies as may be necessary for legitimate purposes for use in the county offices, and all such necessary books, stationery, blanks, printed matter, etc., as shall be necessary for use therein;

**Court house.** Second, To have immediate charge and control of the court house of the said county, and to provide for the maintaining of the same in an appropriate manner;

**Examine accounts of officers.** Third, To examine the books and accounts of the county treasurer and other county officers. The said board may as often as it may be necessary, require the accounts and vouchers of the county treasurer to be presented for examination, and after the same shall have been examined and audited by said board, it shall not be required that such accounts be again audited by the county board of supervisors. Whenever any moneys are paid to the county treasurer by any officer or agent of said county, such officer or agent shall take a duplicate receipt thereof, which shall be filed in the office of said board, and said treasurer shall, at the end of each month, and at such other times as it may be required by the said board, report to the said board the moneys received by him from and after the time of making his last report;

**Clerks for county offices.** Fourth, To determine the number of clerks, assistants, and such other help as may be necessary in the several county offices, and to fix a reasonable compensation for the deputies, clerks and assistants employed therein, and in the circuit and probate courts: Provided, That the number of clerks to be employed and the amount of salaries to be paid shall not exceed the number and amount now employed and now paid;

**Proviso.**

Fifth, To require any county officer to make a report under Reports. oath on any subject or matter connected with the duties of any such office;

Sixth, To pass upon any and all official bonds in which the Bonds of county shall become interested, and may require any officer, deputy, assistant, or clerk to give bonds to the people of the State of Michigan in such sum as shall be reasonable and necessary for the faithful performance of their respective duties;

Seventh, To summon witnesses and take testimony in regard Claims. to the legality of any bill or claim pending before said board.

SEC. 8. No member of said board of county auditors shall Not to be interested in be directly or indirectly interested in any contract with Kent contracts. county which may involve the expenditure of any county moneys, or in the sale of supplies to said county, or in the performance of any services for said county other than his services as a member of said board.

SEC. 9. The prosecuting attorney of the county of Kent shall Who to be legal adviser. be the legal adviser of said board of county auditors, and shall on his own motion investigate the findings of said board, whenever, in his opinion, the public service will be benefited thereby, and shall institute criminal proceedings against the members of the said board, or any of them, for any misfeasance in office.

SEC. 10. Any member of said board of county auditors, who shall enter into collusion with any claimant or with any other person, or persons, to defraud said county, or shall wilfully violate any of the provisions of this act, or shall wilfully and grossly neglect the duties of his office, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than one year, or both such fine and imprisonment in the discretion of the court, and thereupon the office of such county auditor shall become vacant.

SEC. 11. All acts or parts of acts in conflict with or in any-wise contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 9, 1903.

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[No. 522.]

AN ACT to detach certain territory from the city of Owosso in Shiawassee county, and attach the same to the township of Owosso in Shiawassee county.

*The People of the State of Michigan enact:*

SECTION 1. The following described piece of land in the city Territory detached. of Owosso, in Shiawassee county, described as follows: All that part of the north half of the southeast fractional quarter of section fourteen, in township seven, north of range two east.

in the city of Owosso, county of Shiawassee, and State of Michigan, which lies west of the J. L. and S. railroad (now Saginaw division of the Michigan Central railroad) except the Ann Arbor railroad, and excepting any land west of Ann Arbor railroad right of way in the north half of the north half of said southeast fractional quarter. Also commencing at a point in the westerly boundary line of the right of way of the Michigan Central railroad company in section fourteen, township seven, north of range two east, where the northerly boundary line of the land owned by the Owosso Sugar Company intersects said westerly boundary line of the right of way of the said Michigan Central Railroad Company, thence westerly in said northerly line two hundred ninety feet, thence northerly twelve degrees west to a point in the westerly boundary line of said right of way of Michigan Central railroad company, thence southerly in said westerly boundary line to the point of beginning, about one and twenty-eight hundredths acres of land, a part of lot thirty-six, Oak Grove addition to Owosso, is hereby detached from and shall cease to be a part of the said city of Owosso, in the county of Shiawassee, and is hereby attached to the township of Owosso, in said county of Shiawassee: Provided, That the land herein described shall continue a part of Owosso union school district.

**Proviso.**

SEC. 2. All acts or parts of acts, so far as they contravene the provisions of this act are hereby repealed.

**Repealing clause.**

SEC. 3. This act shall not take effect until a majority of the qualified electors of the city of Owosso, voting thereon, shall vote in favor of said detachment.

**When act to take effect.**

Approved June 10, 1903.

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[No. 523.]

AN ACT to revise the charter of the city of Jackson.

*The People of the State of Michigan enact:*

TITLE I.

INCORPORATION. CITY AND WARD BOUNDARIES.

SECTION 1. That the municipal corporation known as the city of Jackson shall continue to be a municipal corporation and by that name may contract, and be contracted with, sue and be sued, plead and be impleaded, complain and defend in any court of competent jurisdiction, and may have a common seal and may alter the same at pleasure, and may take, hold, purchase, have, appropriate, lease, convey and dispose of any real and personal estate for the use of the corporation for corporate purposes, and shall have, exercise and enjoy such

powers of a local, legislative and administrative character as are conferred by this act.

SEC. 2. So much of the county of Jackson as is embraced in the east half of section thirty-three, sections thirty-four and thirty-five, the west half of section thirty-six, the southwest quarter of section twenty-five, the south half of sections twenty-six and twenty-seven, and the southeast quarter of section twenty-eight, all in township two south of range one west, and in the west half of section one, sections two and three, the east half of section four, the northeast quarter of section nine, the north half of sections ten and eleven, and the northwest quarter of section twelve, all in township three south of range one west, is hereby declared to be a city by the name of the "City of Jackson," by which it shall be hereafter known. Name, boundaries.

SEC. 3. Said city shall be divided into eight wards, the ~~wards~~ boundaries of which shall be as follows:

First, The first ward shall embrace all that portion of the ~~First~~ city bounded as follows: On the north by the northern boundary of the city extending from Lansing avenue to Grand river, on the east beginning at a point where the northern boundary of the city crosses the center of Grand river, thence south along Grand river to Ganson street, thence east along Ganson street to Mechanic street, thence south along Mechanic street to Main street, on the south by Main street, on the west by Blackstone street from Main street to Lansing avenue, thence north and northwest along Lansing avenue to the northern boundary of the city;

Second, The second ward shall embrace all that portion of the ~~Second~~ city bounded as follows: On the north by the city boundary and the lands of the Michigan Central railroad company, which lie on the southwest quarter of section thirty-three, on the east by the first ward, on the south by Main street and the continuation thereof, on the west by the city boundary;

Third, The third ward shall embrace all that portion of the ~~Third~~ city bounded as follows: On the north by Main street and the continuation thereof, on the east by First street and the continuation thereof to the city boundary, on the south by the city boundary, on the west by the city boundary;

Fourth, The fourth ward shall embrace all that portion of the ~~Fourth~~ city bounded as follows: On the north by Main street, on the east by Mechanic street, from Main street to Morrell street, thence east along Morrell street to Chittock avenue, thence south along Chittock avenue and the continuation thereof to the city boundary, on the south by the city boundary and on the west by the third ward;

Fifth, The fifth ward shall embrace all that portion of the ~~Fifth~~ city bounded as follows: On the north by Main street from Mechanic street to Mill street, thence southeast along Mill street to Liberty street, thence east along Liberty street to the center of Grand river, thence southeasterly along Grand river to the eastern boundary of the city, thence south along the said east boundary to south boundary of the city, thence

west along the city boundary to the fourth ward, and on the west by the fourth ward;

**Sixth.** Sixth, The sixth ward shall embrace all that portion of the city bounded as follows: On the north by Main street, on the east by the city boundary, on the south and west by the fifth ward;

**Seventh.** Seventh, The seventh ward shall embrace all that portion of the city bounded as follows: On the north by Ganson street, on the east by the city boundary, on the south by Main street, on the west by Mechanic street;

**Eighth.** Eighth, The eighth ward shall embrace all that portion of the city bounded as follows: On the north by the city boundary, on the east by the city boundary, on the south by Ganson street, on the west by Grand river:

**Proviso.** Provided, That whenever a street or river is mentioned in this section as a boundary or division line the center of said street or the continuance thereof, and the center of said river shall be deemed to be the said boundary or line.

## TITLE II.

### ELECTORS AND REGISTRATION.—(A.) ELECTORS.

**Residence.** SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the State, and no others, shall be electors therein, and every elector shall vote in the ward or precinct where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be in the ward or precinct in which is located his regular place of lodging.

### (B.) REGISTRATION.

**Board of.** SEC. 2. The aldermen of the city shall constitute a board of registration thereof.

**When, how made, etc.** SEC. 3. The registration of electors shall be had and made in accordance with the general laws of the State in force at the time of such registration. The board of registration at their session previous to the general election, in the year nineteen hundred four and in every fourth year thereafter shall make a registration of the qualified electors of their respective wards in books of the form prescribed by law. When such new registry shall be made the former registry of electors shall not be used nor shall any person vote at any election in such ward or precinct after such registration, unless his name shall be registered in such new registry. Notice that such registration is required to be made, shall be given in like manner as and with the notice of the meeting or session of the board at which it is to be made.

## TITLE III.

## ELECTIONS.

SECTION 1. An annual city election shall be held on the first <sup>Annual.</sup> Monday in April in each year at such place in each precinct of the several wards of the city as the council shall designate.

SEC. 2. Special elections may be appointed by resolution of <sup>Special.</sup> the council and held in and for the city or in and for any ward or wards thereof at such times and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election.

SEC. 3. Whenever a special election is to be held the council <sup>Inspectors,</sup> shall by resolution direct the recorder to deliver to the inspectors of election in the ward or wards where the same is to be held, a notice signed by him specifying the officer or officers to be chosen, the proposition or propositions, if any, to be submitted to the vote of the electors and the day and place at which such election is to be held, and the proceedings and manner of holding such election shall be the same as in annual elections.

SEC. 4. Notice of the time and place or places of holding any election and of the officers to be elected and the propositions to be voted upon shall, except as herein otherwise provided, be given by the recorder at least eight days before any such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a daily newspaper published in said city the same length of time before the election, and in case of a special election the notice shall set forth the purpose and object of such special election as fully as the same is required to be set forth in the resolution appointing the same.

SEC. 5. The council shall provide and cause to be kept by the recorder for use at all elections suitable ballot boxes of the kind required by law to be kept for use in townships, and such voting machines as may be authorized by law and adopted by the council, said voting machines to be kept by the city electrician as hereinafter provided.

SEC. 6. On the day designated for the holding of any election in said city the polls shall be open in each ward at the several places designated by the council at seven o'clock in the morning, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

SEC. 7. It shall be the duty of the common council at least one week before every election to appoint four inspectors of <sup>Appointment of inspectors of election.</sup> election for each voting precinct in the city and designate the precinct to which they are respectively assigned, and select one member of such board to be the chairman thereof, and no more than two members of each of such board shall belong to any one political party; two of the members of each board of electors shall act as clerks of election.

When inspectors not present at opening of polls.

SEC. 8. If at the time of the opening of the polls of such election such inspectors so appointed, or any of them, shall not be present, prepared to act in such capacity, the electors in such precinct may choose viva voce such number of electors as with the inspectors present shall constitute a board of four in number, and such electors so chosen shall be inspectors at that election, and shall have the same power and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes as are conferred by law upon the inspectors of general elections held in the State.

Absence of chairman.

SEC. 9. In case the chairman shall be absent or refuse to serve, said inspectors shall choose one of their number as chairman of the board. They shall assign the duties of the board among the members thereof and each inspector shall take the constitutional oath of office which may be administered by any member of said board.

Oath.

SEC. 10. All elections held under the provisions of this act shall be conducted as nearly as may be in the manner provided by law for holding general elections in the State, except as herein otherwise provided, and the canvass of the votes cast at such election shall be made in accordance with the provisions of such law governing general elections. And all the provisions of this title shall apply as well to elections held within said city under the general election laws of this State as to the municipal elections herein provided for. All provisions of law governing elections in cities not contrary to the provisions hereof shall apply to all elections herein provided for.

Laws affecting machines to be operative.

SEC. 11. All laws affecting the vote by voting machines and directing and controlling the manner of such vote at any election shall be, so far as the same are applicable, operative in all elections held pursuant to the provisions of this charter.

Result of election, how determined, etc.

SEC. 12. The council shall convene on Thursday next succeeding each annual election at their usual place of meeting and determine the result of the election upon each question and proposition voted upon and what persons were duly elected at such election to the several offices respectively, and thereupon the recorder, by order of the common council, shall make duplicate certificates under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, and the other shall be filed in the office of the recorder. At special elections such determination and canvass shall be had at the next regular meeting of the council thereafter.

Who deemed elected.

SEC. 13. The person receiving the greatest number of votes for any office in the city or ward, shall be deemed to have been duly elected to such office, and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall at its meeting first mentioned in the preceding section determine by lot between such persons who shall be considered elected to such office.

Tie.

SEC. 14. It shall be the duty of the recorder within two days after the meeting and determination of the council to notify each person elected, in writing, of his election, and the recorder shall also, within two days after the council shall appoint any person to any office in like manner notify such person of such appointment.

SEC. 15. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, or at the next regular meeting of the council thereafter, the recorder shall report in writing to the council, the names of the persons elected or appointed to any office who shall have neglected to file such oath and requisite bond for security for the faithful performance of the duties of the office.

#### TITLE IV.

##### ELECTION AND APPOINTMENT OF OFFICERS.—(A.) ELECTIVE OFFICERS.

SECTION 1. The following officers shall be elected from among the electors of the city, namely, a mayor, recorder, who shall be ex officio school inspector, treasurer, two school inspectors, a justice of the peace and a police justice. In each ward a supervisor and two aldermen shall be elected from the electors of said ward.

##### (B.) APPOINTIVE OFFICERS.

SEC. 2. The following officers shall be appointed by the mayor with the advice and consent of the common council, viz.: A city attorney, city physician, overseer of the poor, weighmaster and poundmaster. A chief of police shall be appointed by the board of police commissioners and shall hold his office during the pleasure of said board. A chief of the fire department and a city electrician shall be appointed by the board of fire commissioners and shall hold their respective offices during the pleasure of said board. A superintendent of parks and cemeteries shall be appointed by the board of park and cemetery commissioners, and shall hold his office during the pleasure of said board. A superintendent of public works, a city engineer, a street commissioner and a chief engineer at the water works shall be appointed by the board of public works and shall hold their respective offices during the pleasure of said board. A sanitary inspector shall be appointed by the board of health and shall hold his office at the pleasure of said board.

SEC. 3. The council may also from time to time provide by ordinance for such minor officers, whose election or appointment is not herein specifically provided for, as the council shall deem necessary for the execution of the powers herein conferred, and such ordinance shall provide for the removal of such appointee at pleasure. The powers, duties and terms of such officers.

of office of all such minor officers shall be prescribed by ordinance.

Appoint-  
ments, when  
made.

SEC. 4. Appointments to the office of city attorney, city physician, overseer of the poor, weighmaster and poundmaster, except appointments to fill vacancies in such offices, shall be made on the first Monday in May of each year. Appointments which for any cause shall not be made on the days stated in this section may be made at any subsequent regular meeting of the council or board, as the case may be, a majority of the aldermen-elect or a majority of the board, as the case may be, being necessary to confirm any nomination.

Mayor and  
city attorney,  
term, etc.

SEC. 5. The mayor and city attorney shall hold their offices for the term of one year from and including the first Monday in May of the year when chosen and until their successors are elected or appointed and qualified and enter upon the duties of their respective offices: Provided, That the first appointment for city attorney, hereunder, shall be made on the first Monday in May of the year nineteen hundred four, and that the appointment of city attorney before said date shall be made in accordance with the provisions of section sixteen of chapter five of the charter of the city of Jackson, as amended by act number three-hundred seventy-six of the Local Acts of the State of Michigan for the year eighteen hundred ninety-seven.

Recorder and  
treasurer,  
term.

SEC. 6. The recorder and treasurer shall hold their offices for the term of two years from and including the first Monday in May of the year when elected and until their successors are elected and qualified and enter upon the duties of their office. No person can hold the office of city treasurer for more than two consecutive terms.

Justice of  
peace, when  
elected,  
term.

SEC. 7. A justice of the peace shall be elected at the annual charter election in the year nineteen hundred four, and every fourth year thereafter for the term of four years from and including the fourth day of July next after his election and until his successor qualifies and enters upon the duties of his office.

School  
inspector.

SEC. 8. One school inspector shall be elected annually for the term of two years, and the supervisors for the term of one year from the first Monday in April of the year when elected and until their successors are qualified and enter upon the duties of their respective offices.

Supervisors.

SEC. 9. One alderman shall be elected annually in each ward for the term of two years from and after the third Monday in April in the year when elected and until his successor is qualified and enters upon the duties of his office.

Aldermen.  
Other officers,  
appointment  
of.

SEC. 10. The city physician, overseer of the poor, weighmaster and poundmaster shall be appointed for the term of one year from and after the first Monday in May when appointed and until their successors are qualified and enter upon the duties of their offices.

Eligibility  
to office.

SEC. 11. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward he must be an elector thereof, and no person shall

be elected or appointed to any office in the city who has been or is a defaulter to the city, or to any board or officer thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of any such defaulter shall be void.

SEC. 12. Justices of the peace elected in said city shall take and file an oath of office with the county clerk of the county of Jackson, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city shall within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the recorder.

SEC. 13. Every justice of the peace within the time limited for filing his official oath shall file with the county clerk of said county the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships, except that said official bond or security may be executed in the presence of, and approved by the mayor, and in case he shall enter upon the execution of the duties of his office before having filed his official oath and bond, or security and such other bond, or security to the city as may be required by law or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships. And every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the recorder such bond or security as may be required by law, or by any ordinance or requirement of the council and with such sureties as shall be approved by the council for the due performance of the duties of his office, except that the bond or security of the recorder shall be deposited with the city treasurer.

SEC. 14. The council or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council shall enquire into the sufficiency of such sureties and examine them under oath as to their property. Such oath shall be administered by the mayor or any alderman or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed and sworn to by him and annexed to and filed with the bond or instrument to which it relates.

SEC. 15. The council may also at any time require any officer, whether elected or appointed, to execute and file with the recorder new official bonds, in the same or in such further sums, and with new or such further sureties, as the council may deem requisite for the interests of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

Oath of justices, where filed, etc.

Other officers.

Bonds of justices, by whom approved, where filed.

Other officers.

Examination of sureties.

Oath.

Council may require new bonds.

**Resignations, etc.** SEC. 16. Resignations of officers shall be made to the council or to the board or body having the appointing power. If any officer shall cease to be a resident of this city, or if elected in and for any ward shall remove therefrom, during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter in office, the office shall thereby be vacated.

**Failure to file bond vacates office.** SEC. 17. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant unless previous to such declaration he shall file the oath and give the requisite bonds or security.

**Vacancy in elective office, how filled, etc.** SEC. 18. A vacancy in the office of any elective officer, except school inspectors or supervisors occurring more than ninety days before an annual city or general election shall be filled by a special election, and any such vacancy occurring within ninety days before an annual city or general election, and vacancies in the office of school inspector or supervisor shall be filled at the next annual city or general election, but the council may appoint some person to fill the vacancy until the person who shall be elected to the office in which the vacancy occurs shall be qualified and enter on the duties of the office. Vacancy in any appointive office shall be filled by appointment by the council, board, body or officer having the power of original appointment within twenty days after the vacancy occurs, such appointment being made upon nomination of the officer or board having the power of original nomination.

**In appointive.** SEC. 19. Neither the resignation nor removal of any officer nor the appointment or election of another to the office shall exonerate such officer or his sureties from any liability incurred by him or them.

**Removal not to exonerate officer from liabilities.** SEC. 20. Whenever any officer shall resign or be removed from office or the term for which he shall have been elected or appointed shall expire he shall on demand deliver over to his successor in office all the books, papers, moneys or evidences of value and effects in his custody as such officer and in any way appertaining to his office, and every person violating this provision shall be deemed guilty of misdemeanor and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this State now or hereafter in force, and applicable thereto, and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

**To deliver books, etc., to successor.**

**Penalty.**

## TITLE V.

### DUTIES AND COMPENSATION OF OFFICERS.

**Mayor, duties, etc.** SECTION 1. The mayor shall be the chief executive officer of the city. He shall from time to time give the council information concerning the affairs of the corporation and recommend

such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government and to see that the laws relating to the city and the ordinances and regulations of the council are enforced.

SEC. 2. The mayor shall be a conservator of the peace and <sup>To be conservator of peace.</sup> as such may exercise within the city powers conferred upon sheriffs to suppress disorder and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the council and to suppress riot and disorderly conduct.

SEC. 3. The mayor may suspend any appointive officer at <sup>May suspend</sup> any time and shall report such suspension to the officer, board or body having the power of appointment or confirmation of such officer, at the next meeting of such board or body and shall state his reasons for such suspension in such report. The mayor may also suspend any clerk or subordinate employee of the city, for neglect of duty or for other cause, and shall report such suspension to the officer, body or board having the power of appointment of such clerk or subordinate employee, and state his reasons for such suspension. Such suspension shall continue until the officer, body or board having the power of appointment shall act thereon.

SEC. 4. The mayor shall have authority at all times to examine and inspect the books, records and papers of any department of the city government or any agent, employee or officer of the corporation and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. <sup>May examine books, etc.</sup>

SEC. 5. The mayor shall be ex officio a member of the following administrative boards: Board of public libraries, board of park and cemetery trustees, board of city hospital, and as such member may act with such boards in all particulars the same as the regularly appointed members thereto. <sup>Ex-officio member certain boards.</sup>

SEC. 6. The mayor shall receive an annual salary of one thousand dollars, payable monthly.

SEC. 7. In the absence or disability of the mayor or in the event of any vacancy in his office, the president of the council shall perform the duties of mayor during such absence, disability or vacancy. <sup>Who to act in absence of mayor.</sup>

SEC. 8. The recorder shall be the custodian of all the documents, official bonds, contracts, papers, files and records of the city not by this act or the ordinances of the council intrusted to some other officer, and shall keep the corporate seal. He shall be clerk of the council but shall have no vote therein. He shall also act as secretary of the board of public works and of the board of fire commissioners, as the clerk of the board of park and cemetery commissioners, and secretary or clerk of such other boards of the city as the council may from time to time direct. He shall attend the meetings of the common council and the meetings of the boards of which he may be clerk or secretary and record all their proceedings, ordinances and resolutions, and shall countersign and register all licenses. <sup>Recorder, custodian of records, etc.</sup> <sup>Clerk of council.</sup>

granted. He shall, when required, make and certify under the seal of the city copy of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent that the original would be. He shall possess and exercise the powers of a township clerk so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations. He shall be the custodian of the ballot boxes, tickets and all property, except voting machines, pertaining to elections, which shall be by law required to be kept or furnished by said city.

**To be general accountant.** SEC. 9. The recorder shall be the general accountant of the city and all claims against the corporation shall be filed with him for adjustment; after examination thereof he shall report the same with all accompanying vouchers and counter claims of the city and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made and take proper receipts therefor, but no warrant shall be drawn upon any fund after the same has been exhausted. No warrant shall be valid until countersigned by the mayor. When any tax or money shall be levied, raised or appropriated the recorder shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

**Keep books, countersign bonds, etc.** SEC. 10. The recorder shall have charge of all books, vouchers and documents relating to accounts, contracts, debts and revenues of the corporation. He shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities. He shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities with a proper classification thereof and showing the purpose for which each fund was raised. He shall keep an account with the treasurer in which he shall charge said treasurer with all the tax and assessment rolls of the city and all rolls for water rates that may be placed in the hands of said treasurer with all the tax and assessment rolls of the city, and all rolls for water rates that may be placed in the hands of said treasurer for collection, and with all moneys received from any source for each of the several funds of the city, and credit said treasurer with all the warrants drawn thereon that may be paid by him, keeping a separate account with each fund. When any fund has been exhausted the recorder shall immediately advise the council thereof.

**To report to council.** SEC. 11. The recorder shall report to the council on the first Monday of each month a statement showing the condition of all the funds of the city, and whenever required a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and moneys required to meet the estimated expenses of the corporation, and shall per-

form such other duties pertaining to his office as the council may require. The recorder shall receive an annual salary of sixteen hundred dollars, payable monthly, which shall be in full for all services rendered by him except the fees to which he may become entitled for filing chattel mortgages and bills of sale intended as securities, and renewals of the same. Also such fees as he may become entitled to as a witness for private parties or for making copies of papers in his office and certifying the same at the instance of parties not connected with the city government.

SEC. 12. The recorder shall appoint a deputy recorder who shall have and exercise in the absence or disability of the recorder all the powers and duties of the recorder. He shall hold his office during the pleasure of the recorder, and shall receive an annual salary of nine hundred dollars, payable monthly: Provided, That in case of a permanent vacancy in the office of the recorder, from death or other cause, the deputy recorder shall receive the salary provided for the recorder, upon furnishing the bond required by law, until such vacancy shall be filled as provided by law.

SEC. 13. The treasurer shall be the collector of all taxes and assessments levied within the city, and of the State and county taxes upon property therein, and he shall perform all such duties in relation to the collection of taxes and assessments as the council shall prescribe. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city. He shall receive all money belonging to and receivable by the corporation and the receipt of any other officer than the treasurer will not be valid as against the city, except as herein otherwise provided, or as the common council may hereinafter by ordinance direct. He shall pay no money out of the treasury except in pursuance of and by authority of law and upon warrants signed by the recorder and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall cancel such warrants when paid by writing or stamping across the face thereof the word "paid," and the date of payment, and enter in a book to be kept by him the number, date, amount and time of payment of such warrant and the name of the payee named therein. He shall keep an account of and be charged with all taxes levied and all water rate rolls, and all money appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund against which the warrant was issued, having the name of such fund endorsed thereon by the recorder.

SEC. 14. The treasurer shall render to the council on the first Monday of every month, and oftener if required, a report of the amounts received and credited to him by each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report, and

at the time of rendering such report shall exhibit to the recorder vouchers for all moneys so paid out during such preceding month. He shall also exhibit to the council annually on the first Monday in March and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made and the balance remaining in each fund, which accounts shall be filed in the office of the recorder and shall be published in the official newspaper of the city.

To keep  
moneys  
separate.

SEC. 15. The treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own, and he is hereby prohibited from using either directly or indirectly the moneys of the corporation, warrants or evidences of debts in his custody or keeping for his own use or benefit or that of any other person. He shall not pay from the funds of the city any order unless from the particular fund against which said order is drawn, nor without direct authority from the council, by unanimous vote and approval of the mayor, transfer any money from one fund to another. Any violation of this section shall subject him to immediate removal from office by the city council, which is hereby authorized, upon proof thereof, to declare the office vacant and to appoint or order the election of his successor as herein elsewhere provided.

Pay orders.

SEC. 16. The treasurer shall be compensated by an annual salary of thirty-five hundred dollars, payable monthly, which shall be in full for all services rendered in the office of city treasurer, except his services in collecting State, county and school taxes as to which he shall be entitled to the fees provided for by the general laws of this State, and all other fees, which under this act or any ordinance of the city shall be payable to or collected by said treasurer shall belong to said city and be reported to the recorder by him and credited to the proper fund:

Proviso.

Provided, That in case he shall be required to collect under the laws authorizing the construction of drains or any other law, any sum or sums from the said city or any ward by reason of assessments, other than against particular lands or persons, then he shall deduct from the amount to be collected such sum or sums as he would otherwise be entitled to retain for his fees and turn the same into the city treasury.

#### ALDERMEN.

Duties, etc.

SEC. 17. The aldermen of the city shall be members of the council and shall be required to attend all sessions of the council and to serve upon committees whenever appointed thereon; but no alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote unless excused therefrom by a vote of two-thirds of the aldermen present.

Idem.

SEC. 18. The aldermen shall be conservators of the peace and as such they shall aid in maintaining quiet and good order in

the city and in securing the faithful performance of duty by all officers of the city. No alderman shall hold any other city office while holding the office of alderman. Each alderman <sup>Salary.</sup> shall receive an annual salary of seventy-five dollars, to be paid quarterly by the city treasurer upon a pay roll certified by the recorder and approved by the mayor.

#### CITY ATTORNEY.

SEC. 19. The city attorney, in addition to the other duties prescribed in this act shall be the legal adviser of the council, and of all officers of the city and shall act as attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested. He shall prosecute offenses against the ordinances of the city and shall attend all meetings of the common council and the meetings of the board of public works when required.

<sup>Legal adviser,  
prosecute  
offenses, etc.</sup>

SEC. 20. Said attorney shall receive an annual salary of nine <sup>Salary.</sup> hundred dollars, payable monthly, which sum shall be in full for all services rendered by him as such attorney for said city, except when called upon to render services for the corporation outside of the city.

#### SCHOOL INSPECTORS.

SEC. 21. The school inspectors of the city shall perform <sup>Duties.</sup> such duties in and for the city and for the public schools as are required of school inspectors elected in townships so far as such duties are applicable or shall be required under this act.

#### SUPERVISORS.

SEC. 22. The supervisor of each ward of the city is hereby <sup>Duties, etc.</sup> authorized to perform the same duties in and for his ward that the supervisors of townships under the general laws of the State are required to perform, in relation to the assessing of property and levying taxes for State, county and school purposes, and they shall also issue the warrant to the treasurer of said city for the collection of such taxes in the same manner as the supervisors of townships issue warrants to the treasurers of townships for the collection thereof. Said supervisors shall represent their several wards on the board of supervisors of the county of Jackson, and shall be entitled to all the rights, privileges, powers and compensation of members of said board of supervisors while acting thereon. They shall select and return lists of grand and petit jurors to the clerk of the county in the same manner and within the same time as the like duty is required to be performed by supervisors in townships, and shall have such power and perform such duties as shall be prescribed by this act.

#### JUSTICES OF THE PEACE.

SEC. 23. The justices of the peace to be elected in said city, <sup>How elected.</sup> shall be elected in the manner that justices of the peace are

**Proviso as to abolishing one office.** now elected in said city: Provided, That no election for justices of the peace, except to fill any vacancy that may occur, shall be held in said city in the year nineteen hundred four, and the office of the justice of the peace whose term expires on the fourth of July, nineteen hundred four, is hereby abolished from and after the last named date. The files, records and dockets appertaining to the office of justice of the peace in said city abolished by this act, shall be transferred to and kept by the other justice whose election is herein by this act provided for, and such justice is empowered to issue execution according to law upon judgments appearing upon such dockets so transferred to him with the same effect as if such judgement had been rendered by him. The justice of the peace elected in said city under the provisions of this act shall have and exercise therein and within the county, the same jurisdiction and powers in all civil cases, suits and proceedings as are or may be conferred upon, or required of justices of the peace by the general laws of the State:

**Powers, etc., of remaining justice.** Provided, That all actions within the jurisdiction of the justices of the peace may be commenced and prosecuted in said justice's court, whenever the plaintiffs or defendants or one of the plaintiffs or defendants reside in either the said city or the townships of Summit, Blackman, Leoni, Spring Arbor or Sandstone in said county. The proceedings in all suits, actions and prosecutions before the said justice and in the exercise of the powers and duties conferred upon and required of him shall, except as otherwise provided in this act, be according to and be governed by the general laws applicable to courts of justices of the peace and to the proceedings before such officers.

**Provviso.** SEC. 24. Said justice of the peace shall receive from the treasurer of the city an annual salary to be fixed by the council of not less than six hundred dollars nor more than one thousand dollars, which salary shall be in lieu of all fees, costs and charges to which said justice would be entitled, but for the provisions of this act; except fees for the performance of marriage ceremonies, for taking acknowledgments and for administering oaths in matters not connected with suits or proceedings in courts in said city; such salary shall be paid to said justice in monthly installments as other officers of said city are paid; said justice shall be in attendance at his office on all days except Sundays and legal holidays from the hour of nine o'clock in the forenoon until noon and from the hour of two o'clock until five o'clock in the afternoon. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced before him and all the proceedings and the judgment rendered in every cause and the items of all costs taxed or allowed therein and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required.

**Office hours.**

**Duty as to docket.**

**SEC. 25.** Before any civil action or proceeding, except proceedings in garnishment, shall be commenced in said justice court, there shall be paid to said justice by the party commencing the same, an entry fee of one dollar, and before the trial of any such action or proceeding shall be commenced, such party shall pay a judgment fee of two dollars, except in default cases, when such judgment fee shall be one dollar. But in case of non-suit before the commencement of trial, no judgment fee shall be required. Proceedings in garnishment shall be treated as part of the principal cause, and no additional fee shall be required therein, except when an issue of fact shall be joined in respect to the liability of a garnishee or garnissees; in such cases a judgment fee of two dollars shall be paid before such trial shall commence. The fees provided for in this section shall be in full for all services and proceedings by and before said justice, and include the issuing of execution upon judgment therein, and shall be taxed in favor of the party paying the same if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution, or for the purpose of staying proceedings, or removing causes to an appellate court, there shall be paid to the said justice the fees provided by law. All costs, fees and moneys for services collected or received by said justice of the peace for or on account of the business of his office except as herein otherwise provided, shall be paid over by said justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof. And the justice shall take the receipt of the city treasurer therefor and file the same with the recorder. The fees of witnesses, jurors, sheriffs and constables shall be paid to the persons respectively entitled thereto under the general laws of the State.

**SEC. 26.** If a party to a cause before any of said justices shall demand a trial by jury, he shall pay the fees therefor in advance, and the sum shall be disposed of by the justice in the manner now provided by law and the moneys paid for jurors shall be taxed as costs in favor of the party paying the same if he be the prevailing party in the suit, in addition to such other costs as he may be entitled to recover. In criminal cases the same costs shall be collected and in the same manner as in such proceedings before justices of the peace in townships.

**SEC. 27.** It shall be unlawful for said justice of the peace to act as counsel, agent or attorney for any party in any matter, suit or proceedings, within the jurisdiction of said courts. A violation of this provision shall be deemed misconduct in office and shall be deemed sufficient cause for removal from office of the parties so violating.

**SEC. 28.** Any justice of the peace who shall be guilty of misconduct in office, and who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or by any of the ordinances of the city, shall be deemed guilty of a misdemeanor and punishable accordingly, and upon conviction thereof, by a court of competent jurisdiction may be suspended from office by the council during its pleasure.

Civil actions.  
when com-  
menced, etc.

Garnishment  
proceedings.  
how treated.

Costs, etc.,  
to whom paid.

Trial by jury,  
etc.

Not to act as  
counsel.

Penalty.

Penalty for  
misconduct.

**Report to council.**

SEC. 29. Every justice of the peace shall account on oath to the council at its first meeting in each month, for all such moneys, goods, wares and property seized as stolen property as shall then remain unclaimed at his office, and shall make such disposition thereof as shall be prescribed by the council.

**Powers, duties of other officers.**

SEC. 30. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient and prescribe by ordinances or resolution.

**Compensation, council to determine.**

SEC. 31. The overseer of the poor, weighmaster, poundmaster, superintendent of public works, city electrician and all officers elected or appointed, in and for said city, whose salary or compensation is not herein provided for shall each receive such compensation as the council shall determine. School inspectors shall serve without compensation where there shall be a county superintendent of schools or other board for the examination of teachers and issuing of certificates to teach. Officers serving process and making arrests, except as herein provided, when engaged in causes and proceedings in violation of the ordinances of the city shall charge and receive such fees as are allowed to those officers for like services by the general laws of the State.

**Salaries, increasing, etc., of.**

SEC. 32. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during the term of office, except by a two-thirds vote of all the aldermen elect; and no person who shall have resigned or vacated any office, shall be eligible to the same office, during the term for which he was elected and appointed when, during the same time, the salary or rate of compensation has been increased.

## TITLE VI.

### THE COMMON COUNCIL. POWERS AND DUTIES.

**Who to compose.**

SECTION 1. The legislative authority of the city shall be vested in a common council, consisting of the aldermen from each ward, and the recorder, or in his absence the deputy recorder, or in the absence of both recorder and deputy recorder, of an alderman to be chosen by the council.

**President, when appointed.**

SEC. 2. On the third Monday in April of each year, or at some subsequent meeting, the common council shall appoint one of its number its president, who shall preside at the meetings thereof. He shall have a vote upon all questions. In the absence of the president, the council shall appoint one of its number to preside and for the time being he shall exercise the powers and duties of president.

**Regular meetings.**

SEC. 3. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe; not less than

two of which shall be held in each month. The mayor, the ~~special~~ president of the council, or any seven members of the council may call special meetings thereof, notice of which in writing shall be given to each alderman or be left at his place of residence at least six hours before the meeting.

SEC. 4. All meetings and sessions of the council shall be ~~Quorum.~~ public. A majority of the aldermen elect shall form a quorum for the transaction of business but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein be purchased, leased, sold or disposed of, or private property be taken for public use unless by ordinance or resolution of the common council and a concurring vote of two-thirds of all the aldermen elect, nor shall any vote of the council be reconsidered or rescinded unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elect, except as herein otherwise provided.

SEC. 5. The council shall prescribe the rules of its own proceedings and keep a record or journal thereof. All votes shall be taken by yeas and nays when by the provisions of this act a two-thirds vote is required and also when called for by any member of the council, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative: Provided, That in all cases of appointment <sup>Rules, votes, etc.</sup> of officers and fixing of salaries, the vote shall be by ballot. Within one week after any meeting of the council all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

SEC. 6. The council may compel the attendance of its members and other officers of the city at its meetings in such manner and may enforce such fines for non-attendance as may by ordinance be prescribed, and by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

SEC. 7. The city attorney, chief of police, chief engineer of the fire department and such officers as may be appointed by the board of public works, shall attend the meetings of the council and shall give opinions and information on all subjects relating to their respective departments when required, subject to such rules and fines for non-attendance as the council shall from time to time prescribe, but without the right to vote. Said officers may be compelled to attend the meetings of the council in the same manner as members and in addition to the services specifically required of them by this charter they shall perform such other services within the scope of their respective offices as the council may by ordinance require.

**To hold property, etc.** SEC. 8. The council shall have control of the finances and of all the property, real and personal, of the city, except as may be otherwise provided by this act.

**May enact ordinance.** SEC. 9. Whenever by this act, or by any other provision of law any power or authority is vested in or duty imposed upon the corporation or council, the council may enact such appropriate ordinance as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

**Standing committees.** SEC. 10. The council may provide by ordinance for the appointment of standing committees of its members who shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to them. Such committees shall be appointed by the president of the council.

**Records, where kept, inspection of.** SEC. 11. The council shall cause all the records of the corporation, and all proceedings of the council and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city or to the official acts of any officer of the corporation, unless required by law or by this act to be kept elsewhere, to be deposited and kept in the office of the recorder, and to be so arranged, filed and kept as to be convenient of access and inspection, and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other person interested therein at all seasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall wilfully secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the county jail not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

**Members not to be interested in contracts, etc.** SEC. 12. No member of the council or any administrative board or officer of the corporation shall be interested directly or indirectly in the profits of any contract, job, work or services, other than official services, to be performed for the corporation. Any member of the council or officer of the city herein specified offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

**Removal from office.** SEC. 13. Any person, except a member of the board of public works, appointed to office by the council by authority of this act may be removed therefrom by a vote of a majority of the aldermen elect together with the consent of the mayor. And the council may remove from office for cause any member of the board of public works or any member of any other board of said city by a concurring vote of two-thirds of the aldermen elect. In case of elective officers other than aldermen, provision shall be made by ordinance for preferring charges and

trying the same and no removal of any officer other than aldermen shall be made unless a charge in writing is preferred and an opportunity given to make a defense thereto: Provided, *Proviso.* That the provisions of this section shall not apply to the mayor, justice of the peace, or the police justice.

SEC. 14. To enable the council to investigate the charges against any officer, or such other matters as they may deem necessary to investigate, the mayor or any justice of the peace of the city is empowered to, and shall at the request of the council issue subpoena or process of warrant to compel the attendance of persons and the production of books and papers before the council or any committee thereof. *When may subpoena persons.*

SEC. 15. Whenever the council or any committee of the members thereof is authorized to compel the attendance of witnesses for the investigation of matters which may have come before them, the presiding officer of the council or chairman of such committee for the time being shall have power to administer the necessary oaths to witnesses in such proceedings, and such council or committee shall have the same power to compel the witness to testify as is conferred on justices of the peace. *Who to administer oaths.*

SEC. 16. The council shall audit, pass upon and allow or reject all accounts and claims against the city, whether arising out of contract or of tort, and when required by the council every claim arising out of contract shall be accompanied with an affidavit of the person rendering it to the effect, that he believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists or payment has been made on account thereof, except such as are endorsed on or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each and every claim for unliquidated damages, shall so far as possible state in detail, the time, place and cause of the alleged injury for which damages are claimed. All claims whether arising out of contract or tort, shall be presented to the common council for consideration within six months after the cause of action in each case has arisen. It shall be a sufficient defense to any action for the collection of any demand or claim against the city, that it has not been presented to the council for allowance within six months as hereinbefore provided, or that the claim was presented without the affidavit, aforesaid, and rejected for that reason, or that the action or proceeding was brought before the council had a reasonable time after the presentation of the claim to investigate and pass upon it. *Duty of council as to claims and accounts.* *Claims, when presented, etc.*

SEC. 17. The common council of the city shall in addition to such other powers as are herein conferred have the general powers in this chapter mentioned and may pass such ordinances in relation thereto as they may deem proper, viz.: *Further powers.*

First, To restrain and prevent vice and immorality, gambling, prize fighting, noise and disturbance, indecent or dis-

*Vice, disturbances.*

orderly conduct or assemblages and to punish for the same; to prevent and quell riots; to preserve peace and good order and to protect the property of the corporation and of its inhabitants and of any association, public or private corporation or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

**Vagrants.** Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

**Nuisances, etc.** Third, to prevent the injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them or neglecting or refusing to abate, discontinue or remove the same, and generally to determine and declare what shall be deemed nuisances;

**Disorderly houses.** Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

**Billiards, etc.** Fifth, To regulate, license, prohibit or suppress the use of billiard tables, nine or ten pin alleys or tables, bowling alleys and shooting galleries;

**Gaming.** Sixth, To suppress every species of gaming and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

**Intoxicating liquors.** Seventh, To regulate, prohibit and suppress ale, beer, wine and porter houses and all places of resort for tippling and intemperance and to punish the keepers thereof and all persons assisting and carrying on the business thereof, and to require all such places to be closed on the Sabbath day and upon such other days and during such hours of every night as the council shall prescribe;

**Drunkards.** Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or interperate person, minor or apprentice, and to punish any person so doing;

**Sports, shows.** Ninth, To regulate, license, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, fortune tellers, clairvoyants, and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received; lectures on historic, literary, religious or scientific subjects excepted;

**Violations of Sabbath.** Tenth, To prevent and punish violations of the Sabbath day and the disturbance of any religious meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day;

**Auctioneers.** Eleventh, To license auctioneers and regulate or prohibit the sale of live or domestic animals at auction in the streets

or alleys or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction or by any manner of public bidding or offer, and to license the same and to regulate the fees to be paid by and to auctioneers, but no license shall be required in case of sales required by law to be made at auction or public vendue;

Twelfth, To license hawkers, peddlers and pawnbrokers and Hawkers, peddlers. hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks or in or upon open places or spaces, public grounds or buildings in the city, and may also require transient traders and dealers to take out license before engaging in business and may regulate by ordinance the terms and conditions of issuing the same;

Thirteenth, To regulate and license all taverns and houses Saloons. of public entertainment, all saloons and eating houses:

Fourteenth, To license and regulate all vehicles of every kind Vehicles. used for the transportation of persons or property for hire in the city;

Fifteenth, To provide for and regulate the inspection of Inspection of provisions. meats, poultry, fish, butter, cheese, lard, vegetables, flour and other provisions;

Sixteenth, To regulate the inspection, weighing and measuring of Lumber, etc. brick, lumber, firewood, coal, hay, and any article of merchandise;

Seventeenth, To provide for the inspection and sealing of Weights and measures. weights and measures and to enforce the keeping and use of proper weights and measures by venders;

Eighteenth, To regulate the construction, repair and use of Vaults, etc. vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

Nineteenth, To prohibit and prevent in the streets or elsewhere Indecency. where in said city, indecent exposure of the person, the show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene language, exhibition and shows of every kind;

Twentieth, To regulate and prohibit bathing in the rivers, Bathing. ponds, streams and waters of the city;

Twenty-first. To provide for clearing the rivers, ponds and Filth, etc., in streams. streams of the city and the races connected therewith, of all drift wood and noxious matter, to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, and to prohibit and prevent the depositing therein of any earth, ashes, sawdust or other matter tending to obstruct the same;

Twenty-second, To compel the owner or occupant of any Unwholesome places. grocery, tallow chandler's shop, soap or candle factory, butcher's shop or stall, slaughter house, stable, barn, livery, sewer or other offensive and nauseous or unwholesome place or houses; to cleanse, remove or abate the same whenever the council shall

deem it necessary for the health, comfort or convenience of the inhabitants of the city;

**Combustibles.** Twenty-third, To regulate the keeping, selling and using of gun powder, firecrackers and fireworks and other combustible materials and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city, to prohibit and punish the use of toy pistols, sling-shots and other dangerous toys or implements within the city;

**Cellars, drains.** Twenty-fourth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies, to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, and to pull down or remove any building, fence or structure which may be unsafe or liable to fall and injure persons or property or cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises, having such cellar, slip, barn, private drains, sink, or privy thereon;

**Cabs, solicitors, etc.** Twenty-fifth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad, also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every description used and employed for hire and to fix and regulate the amounts and rates of their compensation;

**Lotteries.** Twenty-sixth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing or managing the same;

**Paupers.** Twenty-seventh, To provide for the protection and care of paupers and to prohibit and prevent all persons or associations from bringing to the city from any other place any pauper or other person likely to become a charge upon the city and to punish therefor;

**Water rates, etc.** Twenty-eighth, To make needful rules and regulations for the collection of water rates and to enforce payment thereof by suit in the corporate name of the city, in any court of competent jurisdiction, and to provide for the cutting off and depriving any delinquent consumer of a supply of water from the water works of the city;

**Sewer connections.** Twenty-ninth, To make rules and regulations for making connections with sewers and to forfeit the license of any licensed plumber making connections with any water pipe or extending any supply pipe or in any manner increasing the flow of water without a permit from the common council or some officer duly authorized to grant permits for such purposes;

**Numbering of buildings.** Thirtieth, To provide for and regulate the numbering of buildings upon the streets and alleys and to compel the owners or occupants to affix numbers on the same and to designate and change the names of public streets, alleys and parks;

**Public fountains.** Thirty-first, To provide for, establish, regulate and preserve public fountains and reservoirs within the city and such

troughs and basins for watering animals as they may deem proper; also, to provide for sprinkling business and residence Sprinkling streets at a rate or tax to be determined by ordinance.

SEC. 18. The council may prescribe the terms and conditions upon which license may be granted and may exact and require payment of such reasonable sum for any license as they may deem proper. The person receiving the license shall before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe with one or more sufficient sureties conditioned for a faithful observance of the charter of the corporation and the ordinances of the council and otherwise conditioned as the council may prescribe. Every license shall be revokable by the council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted or on account of any violation of any ordinance or regulations passed or authorized by the council, the person holding such license shall in addition to all other penalties imposed, forfeit all payments made for such license and no new license for a similar purpose shall be granted to such person for one year thereafter.

SEC. 19. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable and the council may provide for punishment by fine or imprisonment or both of any person who without license shall exercise any occupation or trade or do anything for or in any respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 20. No license shall be granted for any purpose by the city or under its authority until the sum of money required therefor if any, shall have been paid to the city treasurer and his receipt for the same delivered to the city recorder, and all moneys so paid shall be placed by the treasurer to the credit of the contingent fund.

SEC. 21. The council of the city shall have authority to permit any railroad company or street railway company to lay its track and operate its road with steam, electric or other motive power in or across the streets, bridges, public places, highways and alleys of this city as the council may deem expedient upon such terms and conditions, and subject to such regulations to be observed by such railroad company or street railway company as the council may prescribe and to prohibit the laying of such track or the operating of any such road except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: Provided, That no franchise for the use or occupancy of any street for any purpose shall be granted to any individual, company or corporation, except by a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years.

SEC. 22. The council shall have power to provide for and change the location and grade of street crossings of any rail-road track and to compel any railroad company or street rail-

Licenses,  
terms, con-  
ditions, etc.

May be re-  
voked.

Non-transfer-  
able.

When  
granted.

Duty of coun-  
cil relative to  
railroads, etc.

Proviso as o.  
franchise.

Change of  
grades.

**Flagmen.** way company to raise or lower their track or conform to street grades which may be established by the city from time to time and to compel any railroad company or street railway company to construct street crossings and bridges in such manner and with such protection to persons crossing thereat as the council may require and to keep them in repair. Also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings or streets and to give warning of the approach and passage of trains thereat and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railway cars within the city, but such speed shall not be required to be less than four miles per hour, and to impose a fine of not less than five nor more than one hundred dollars upon the company and upon any engineer or conductor or motorman violating any ordinance regulating the speed of trains or street railway cars; but this section shall not confer any power in contravention of the statutes of this State as to grade crossings.

**Speed.**

**Ditches, culverts, etc.** SEC. 23. The council shall have power to require and compel any railroad company or any street railway company to make, keep open and repair such ditches, drains, sewers and culverts along and under or across their tracks as may be necessary to drain their grounds and right of way properly and in such manner as the council shall direct, and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement according to the directions of the council, the council may cause the work to be done at the expense of such company, the amount of such expense to be collected at the suit of the city against such company in a civil action before any court having jurisdiction of the cause.

**Penalty.**

**Support of poor.** SEC. 24. The council may make such provision as it shall deem expedient for the support and relief of poor persons residing in the city.

**Electric light plant.** SEC. 25. The common council shall have authority to establish, construct and maintain an electric light plant in said city for the purpose of lighting streets, public buildings and the grounds thereof and purposes incidental thereto, and to lease, purchase and hold all necessary lands, buildings, erections, structures, water rights, machinery and appliances necessary for said purposes in such manner and under such regulations as the council by ordinance or resolution shall determine and prescribe. It shall have authority to operate the same for such public purposes and incidentally to furnish power or electric lighting to private individuals, companies or corporations, and for such other commercial purposes as by them shall be deemed expedient and for the best interests of the city, and may establish the rates of compensation to be paid to the city for such services, uses and supplies and enforce the collection of the same in such manner as they shall by ordinance ordain.

**Depositing of moneys.** SEC. 26. The council shall have power to direct the deposit of all moneys belonging to the corporation in any reliable bank

or banks and to contract with any such bank or banks for the safe keeping of all public moneys and for the receipt of interest thereon upon such moneys of the corporation deposited in such bank or banks and to be drawn on account current from such bank or banks by the city, through its proper officers and such interest shall belong and be credited to the general fund: Proviso as  
to bond.

SEC. 27. The council of the city shall have power to provide Prisons and maintain a city prison and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city and for the employment of those imprisoned therein. All persons sentenced to confinement in the city prison, and all prisoners imprisoned therein on execution or commitment for the non-payment of fines for violation of the ordinances of the city, may be kept at hard labor during the term of their imprisonment under such regulations as the council may prescribe.

SEC. 28. The council may provide and maintain one or more pounds within the city and may appoint poundmasters, prescribe their powers, duties and compensation, and may authorize the impounding of all beasts, geese or other fowls found in the streets or otherwise at large contrary to any ordinance of the city. Confinement  
of persons.  
Pounds.  
poundmasters.

SEC. 29. The council may also prescribe the fees for impounding and the amount or rate of expense for keeping, charges to be paid by the owner or keeper of the beasts, geese or fowls impounded, and may authorize the sale of such beasts, geese and fowls for the payment of such fees, expenses and charges and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded. Fees for  
impounding.

SEC. 30. The council shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants, to prescribe the time for opening and closing the same, the kind and description of articles which may be sold and the stands to be occupied by the vendors. Market  
places.

SEC. 31. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud and preserve order in the markets, and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations together with any articles in his or their possession and may authorize the seizure and destruction of tainted, unsound or unwholesome meats, or other provisions exposed for sale therein or elsewhere in said city. To enforce  
rules, etc.,  
in markets.

**May accept  
gifts for  
libraries, etc.**

SEC. 32. It shall have power to accept for and in behalf of said city all gifts and donations made or tendered to the city by any person or corporation for the purpose of erecting and constructing a public library or libraries in said city, and shall have power in behalf of the said city to accept and agree to any reasonable terms and conditions upon which such gifts or donations are made or tendered, and by their action to bind the city to the performance of such terms and conditions, and said council may acquire, purchase, lease and own for the use of said city, such real estate as may be necessary for public buildings and buildings for public libraries, and other purposes necessary or convenient for the public good, and to erect necessary buildings therefor.

**Tax on  
non-water  
consumer.**

SEC. 33. The common council shall have power to levy a tax on real property adjoining streets upon which water mains are laid in case the owner of said property is not a consumer of water, which tax shall cease when such person becomes a water consumer; the rate of which tax, however, shall not exceed annually two cents per front foot of the premises abutting upon such street.

## TITLE VII.

### POLICE DEPARTMENT.

- (a) Board of Police Commissioners.
- (b) Chief of Police.
- (c) Police Court.

**Board of  
police com-  
missioners,  
appointment,  
term, etc.**

SECTION 1. The present board of police commissioners shall continue, and the members thereof shall hold office during the time for which they were respectively appointed. The common council shall, at its first meeting in May in each year, or at some regular meeting thereafter appoint upon the nomination of the mayor, one member of said board who shall hold his office for the term of three years from the time of appointment and until his successor is appointed and qualified and enters upon the duties of his office. Said commissioners shall serve without compensation.

**Duties as to  
policemen,  
rules, etc.**

SEC. 2. Said board shall have power to appoint a secretary, and with the approval of the mayor may appoint a chief of police and such number of policemen, night watchmen, and special policemen as in their discretion shall be deemed necessary for the good government of the city. Said board shall have power to prescribe rules and regulations governing the duties and ranks in the service of any person so appointed, and may suspend or remove with or without the preferring of charges any such appointee, and may appoint another in the place of the one removed, and may give any special direction as to the management of said force they may judge proper and necessary: Provided, That the said commissioners shall not, except in cases of riot or other emergency demanding extraordinary efforts to preserve the public peace, exceed in their appointment the limit as to the number of policemen, night watchmen or special policemen which may at any time be

**Proviso as to  
riots.**

fixed by the common council, by ordinance or otherwise, or make necessary any larger expenditure than the amount appropriated by the common council for the purpose.

SEC. 3. Said board of police commissioners shall as often as once in each month audit and certify to the council for allowance all proper charges against that department, and on the first days of August and November, February and May in each year they shall make a report in writing to the council of the expenses incurred in the department during the preceding quarter year and showing the conditions and needs of the department, and they shall make such other special reports as the council may from time to time require. Accurate record shall be kept of all the proceedings of the board and the certificate of the secretary thereof shall in all courts and places be evidence of the matters so recorded.

SEC. 4. It shall be the duty of the police and night watchmen and officers of the force under the direction of said board, or of the mayor or chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances and breaches of the peace, and to pursue and arrest any person fleeing from justice, for offenses committed in said city, in any part of the State, to apprehend any and all persons in the act of committing any offense against the laws of this State or the ordinances of the city; and to take such offender forthwith before a proper court or magistrate to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person known or believed by them to be guilty of a violation of the ordinances of the city or the penal laws of the State, and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and of the public welfare as the council may ordain, and they may arrest upon view, and without process, any person in the act of violating any ordinance of the city or committing any crime against the laws of the State, and the chief of police or any policeman may serve and execute all process in suits and proceedings for violation of the ordinance of the city.

SEC. 5. The council shall by resolution on the first Monday in May of each year designate one policeman recommended by the board of police commissioners to perform the duties of constable. Such constable shall hold office for the term of two years and until his successor is designated and duly files his oath of office, and the common council may revoke such designation at pleasure. Every policeman so designated shall have power to serve all process directed or delivered to him for service which by law a constable might serve, and every such policeman shall have all the powers of constable and shall receive the same fees as are allowed to constables for like services. When otherwise engaged in the performance of police duty they shall receive such compensation therefor from the city as the council may prescribe.

SEC. 6. The chief of police, policemen, night watchmen, all members of the police force, except policemen designated to perform the duties of constable, shall receive such compensation as

shall be fixed by the common council, and they shall not demand or receive from any person, firm or corporation any extra or other compensation except by the consent of the board of police commissioners and for reasons to be entered in the record of said commissioners, and the same rule shall apply to the policemen designated to act as constables except as to their legal fees.

(B.) CHIEF OF POLICE.

Duties,  
powers, etc.

SEC. 7. The chief of police shall be subject to the direction of the mayor and board of police commissioners. It shall be his duty to see that all the ordinances and regulations of the council made for the preservation of quiet and good order and for the safety and protection of the inhabitants and property of the city are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violation of the ordinances of the city; such process may be served anywhere within the county of Jackson, and if the act complained of is a misdemeanor, such process may be served by him anywhere in the State. He shall be the keeper of the city prison and station houses.

Whom may  
arrest.

SEC. 8. It shall be his duty to suppress all riots, disturbances and breaches of the peace within the city and for that purpose he may command the aid of all able bodied male citizens in the performance of such duty. He shall arrest all disorderly persons found within the corporation and pursue and arrest any person fleeing from justice for offenses committed within the city in any part of the State. He shall arrest upon view and with or without process any person found in the act of committing any offence against the laws of the State or ordinances of the city and forthwith take such person before the proper court or magistrate for examination or trial.

Detail police  
to attend  
court.

SEC. 9. He shall when directed by the mayor, or the board of police commissioners detail one or more policemen to attend upon the police court provided by this act and to keep order under the direction of the justice thereof.

To report to  
council.

SEC. 10. He shall report in writing and on oath to the council at their first meeting in each month, all arrests made by him or by persons under him, and the cause thereof, all persons discharged from arrest during the month, also the number remaining in confinement for breaches of the ordinances of the city, and shall at the same time serve a copy of such report upon the chairman of the board of police commissioners. All moneys collected or received by him shall be paid into the city treasury during the same month when received and the treasurer's receipt therefor shall be filed with the recorder.

(C.) POLICE COURT.

To continue  
as established.

SEC. 11. The municipal court in said city, known as the police court, established by local act three hundred seventy-six

of eighteen hundred ninety-seven, shall continue as established by that act, except as herein otherwise by this act provided.

SEC. 12. At the annual charter election of said city of Jackson to be held in nineteen hundred six and at every fourth annual charter election thereafter a police judge, who shall be a lawyer, shall be elected in and for said city by the electors thereof, in the manner provided by law for the election of mayor of said city, and the person so elected shall hold said office for the term of four years from and after the first Monday of May next after his election and until his successor shall be elected and qualified. Before entering upon the duties of his office such police judge shall take, subscribe and file in duplicate with the recorder of said city, and with the clerk of the county of Jackson respectively, the constitutional oath of office. Said police judge shall appoint a clerk of said court, who shall hold his office during the pleasure of the judge and said clerk shall have authority to administer oaths and take complaints in all cases brought in said court, and shall receive Salary Police judge, when elected, term. etc.

SEC. 13. In case of absence, inability or disability of the justice of the peace provided for by this act, to perform the duties of his office, such police judge shall perform said duties, and while so acting in the place of such justice of the peace shall exercise all the powers and duties conferred by law upon justices of the peace. When to act as justice of peace.

SEC. 14. It shall be the duty of the prosecuting attorney of the county of Jackson or his authorized deputy or assistant to attend said police court when requested by the judge thereof and he shall prosecute all State criminal cases therein, and it shall be the duty of the city attorney or any assistant authorized by the common council to attend all sessions of said court, when requested, and to prosecute all violations of the charter of said city and the by-laws and ordinances of the common council therein. Attorneys to attend court, duties.

SEC. 15. Such police judge shall hold a court in said city in a suitable place to be provided for by the common council thereof, to be styled the police court and which shall not be a court of record. Said police judge shall have power and authority to take complaints, issue all processes necessary in said court, to be signed by or attested in the name of said judge, and the court shall have the same power to punish contempts and preserve order, to compel the attendance of witnesses, parties and jurors and determine as to the qualifications of jurors and such further powers incident to a circuit court, and the judge thereof, and as may be convenient in the exercise of the jurisdiction and powers herein conferred upon him as such court, and while so acting as police judge shall have all the powers and authority of a justice of the peace under the laws of this State. In every trial by jury in said court the city or Court, where held. Powers, etc., of judge.

the people, as the case may be, shall be entitled to but two peremptory challenges, and the accused but two peremptory challenges.

**Jurisdiction  
of police  
court.**

SEC. 16. Said police court shall have exclusive original jurisdiction to issue process for, hear, try and determine all cases against persons charged with violations of the provisions of the charter of said city, or of any act of the legislature relating to the government thereof, and of the by-laws and ordinances of the common council thereof already enacted or that may hereafter be enacted, anything in any other law of this State or the charter of said city or any ordinance of said city contained to the contrary thereof, notwithstanding, and all the provisions of law relative to complaints against offenders for violation of the provisions of the charter of said city or any by-laws or ordinance of the council thereof or of the acts of the legislature relative to process, proceedings and judgments therein and relative to execution upon such judgments and proceedings thereon shall apply to said police court. Said police court shall also have original jurisdiction to issue process for, to hear, try, examine and determine all cases of misdemeanor and of a quasi criminal nature committed within the county of Jackson heretofore or hereafter within the jurisdiction of justice courts, and to sentence any person convicted thereof, anything otherwise herein or in any other law of this State contained to the contrary thereof, in anywise notwithstanding. And said police court shall have original jurisdiction to issue process for, hear, try and examine and to hold to bail or discharge all persons charged within the county of Jackson with the commission of felonies and misdemeanors not triable by justices of the peace within said county. It shall not be necessary to file a record of any conviction had in said court, but the dockets or journal entries and files shall be prima facie evidence of all proceedings had in said court. And in all cases of a violation of the provisions of the charter, by-laws or ordinances of said city, each member of the police force may make arrests without process when committed in his presence, in which case the complaint and arraignment shall be made without delay.

**Practice in  
police court.**

SEC. 17. The practice in said court may be the same as practice in courts of justices of the peace in criminal cases and the laws of this State relative to such practice, and the procedure before justices of the peace in criminal cases shall, except where herein otherwise provided, extend to said police court so far as is consistent with the practice of said court. All process issued out of said court shall be directed to the chief of police, or any member of the police force of said city, or to the sheriff of Jackson county, or to the police constables of said city, but no such process shall be served or executed by the chief of police or any member of said police force outside of the corporate limits of said city unless in case of immediate pursuit in view of such officer, in which case he or they may pursue and arrest, the same as the sheriff of the county might in like case do. It shall be the duty of the sheriff of said county to keep a record of all process required to be

**Process, to  
whom di-  
rected, how  
served.**

**Duty of  
sheriff.**

served and executed outside of said city, which record shall show the date of the process, name of the accused, a summary of the proceedings had therein and the amount of the fees and charges of the officers who shall execute the same.

SEC. 18. The police judge shall receive no fees or perquisites for services performed under this act but in lieu thereof shall receive an annual salary to be fixed by the common council, with the approval of the board of supervisors, of not less than six hundred dollars, nor more than one thousand and two hundred dollars, one-half of which shall be paid by the city of Jackson monthly and one-half of which shall be paid by the treasurer of the county of Jackson, out of the treasury of said county in the manner provided by law for the payment of the salary of the prosecuting attorney. Neither the chief of police nor any member of the police force of said city shall be entitled to receive for his own use any fees for services performed under this act, except as provided in section five of this title, but in lieu thereof the chief of police and members of the police force shall receive such annual salaries as shall be fixed by the common council.

SEC. 19. It shall be the duty of the common council of said city to provide a suitable office for the judge of the said court adjacent to the court room thereof, and such necessary furniture, light, fuel, records, blanks, stationery, and other articles as may be required for the judge, jury and other officers of said court.

SEC. 20. The police court shall always be open for business but may adjourn its sittings from day to day and from time to time as may be convenient and not inconsistent with the dispatch of business therein. Cases and examinations pending in said court may be adjourned from time to time, not exceeding three months from the arraignment of the accused therein, unless the court shall be satisfied by proper evidence that the attainment of justice requires a further continuance and then only for such further time as the exigency of the case for the attainment of the object aforesaid shall require. In case of the removal from the city of the judge of said police court, his death, resignation or removal from office, said office shall be deemed vacant and such vacancy be filled in the manner hereinbefore provided.

SEC. 21. Any defendant shall have the right to appeal from the judgment or sentence of said court provided such appeal shall be taken and perfected within forty-eight hours, Sundays and legal holidays excepted, from the time the court pronounces such judgment or sentence, and certiorari shall lie from final judgment of said court, as provided by law for appeals and certiorari from final judgments of justices of the peace in criminal cases. In State criminal cases, appeals and writs of certiorari shall, when taken, be taken to the circuit court for the county of Jackson. Juries shall be obtained and appeals and writs of certiorari both in city and State cases, shall be taken and perfected and returned in the manner pro-

vided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided.

**Who to act  
in absence  
of judge.**

SEC. 22. In case of the absence, inability or disability of the police judge to perform the duties of his office the justice of the peace of said city shall perform such duties. Said police judge shall also have, during the absence or inability of the justice of the peace, concurrent jurisdiction with said justice of the peace elected in said city under the provisions of this act, with the same jurisdiction and powers in all civil cases, suits and proceedings, as are or may be, conferred upon or required of justices of the peace by the general laws of this State.

**Proceedings  
for violation  
of ordinances,  
etc.**

SEC. 23. Cases commenced in the name of said city for violation of the provisions of the charter or ordinances of said city or of any act of the legislature relating to the government thereof shall be prosecuted, and the proceedings therein and the judgment thereon, and the final process upon such judgment to carry the same into effect, shall be in all respects as in criminal cases, but all fines and costs collected in such cases shall be paid to the treasurer of the city of Jackson on the first Monday of each and every month or within three days thereafter, and all fines and costs collected in State criminal cases shall at the same time be paid to the treasurer of the county of Jackson by the judge of the police court, and receipts therefor shall be duly issued to said police judge. Said judge shall at the same time report in writing to the common council of said city, in city and State criminal cases, and to the board of supervisors in State criminal cases, the names of all persons tried in said court during the preceding month, the offense charged against each, and the amount of fines and costs separately collected by him, and shall make oath thereto that the same are correct and that he has paid over all the said moneys respectively in accordance with the provisions of this act.

**Costs, fees,  
how paid, etc.**

SEC. 24. The fees and costs in each case in the said court, whether under the laws of the State or under the charter, by-laws or ordinances of said city, shall be the same as are or may be provided by law for like cases before justices of the peace in criminal cases, and shall be taxed by the said police judge, the fees of witnesses, jurors, sheriffs and constables, other than police officers of said city, shall when collected be paid to them by said justice to their own use, and in city cases commenced before said police court for the recovery of fines, penalties or forfeitures, and in all cases of offenses against the criminal laws of this State, within the jurisdiction of said court to try and determine, if the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said judge, judgment for costs accruing in the case shall be rendered against and paid by said defendant, in addition to the fine, penalty or forfeiture imposed.

**Security for  
costs.**

SEC. 25. The said police judge shall have authority in all cases, either State or city, at his discretion, either before or after issuing of process to require of the complaining witness

security for costs to the satisfaction of said judge, and the person becoming such surety shall sign a memorandum in writing to that effect, which said judge shall keep as a part of the record in the case. If the defendant or accused be discharged on examination, or acquitted on trial, the said police court shall enter a judgment for costs against the surety and complaining witness, either or both of them, which shall be of like force and effect and shall be collected as upon judgments rendered by a justice of the peace in actions commenced by warrant, and of like form with such executions as near as may be: Provided however, Before rendering such judgment, said court shall cause to be certified on the record that such payment of costs by such complainant is just and equitable.

SEC. 26. One-half of all costs and expenses of said city in maintaining and providing for said court shall be paid to the recorder of said city annually by the treasurer of the county of Jackson, out of the treasury of said county and by said city recorder deposited in the treasury of said city at the close of the regular session of the board of supervisors of said county: Provided, That one-half of the whole amount of the expense of said city for salaries of the police judge and for rent of court room and office, and records, blanks and stationery for use of said court and the officers thereof, in any one year shall not exceed the sum of twelve hundred dollars. It shall be the duty of the recorder of said city on the first day of each annual session of said board of supervisors to present the claim of said city therefor, duly certified, and said board shall, if found correct, at the same session, audit and allow the same, and order the payment thereof as aforesaid.

SEC. 27. Said police judge may be suspended from his said office and removed therefrom in the same manner and form as provided by law for the suspension and removal of justices of the peace.

SEC. 28. Whenever any person shall be sentenced by the police court to confinement in any place of imprisonment outside of the corporate limits of said city, it shall be the duty of the police constables or sheriff or any deputy sheriff of Jackson county to take, transfer, convey and deliver such sentenced person under commitment of said court to such place of imprisonment, but all other commitments may be executed by said sheriff or police constables or by the chief of police or any member of the police force of said city.

SEC. 29. In case of examination of offenders of said police court, for offenses committed against the criminal laws of this State, when said police court has jurisdiction to examine and hold to bail only, it shall be lawful for said police court to cause an order to be entered in the records of such court before or during the pendency of said examination, on motion of the prosecuting attorney of said county, if in the judgment of said court it shall be for the best interest of the public so to do, appointing some suitable stenographer to be named by said court, to take down in shorthand the testimony given upon

*Expenses of  
court, to  
whom paid.*

*Proviso.*

*Judge may be  
suspended.*

*When court  
may employ  
stenographer.*

Compensa-  
tion. any such examination, and any stenographer so appointed shall receive such per diem compensation for the time by him or her expended in so taking down such testimony, and such price per folio for writing out in longhand such testimony so taken in shorthand, as shall be fixed by the board of supervisors of Jackson county, the same to be allowed and paid out of the treasury of said county.

## TITLE VIII.

### ORDINANCES AND RESOLUTIONS.

Style, etc. SECTION 1. The style of all ordinances shall be "The City of Jackson ordains." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elect. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

To prescribe  
fines, penal-  
ties, etc. SEC. 2. When by the provisions of this act the council of said city has authority to pass ordinances for any purpose it may prescribe fines, penalties and forfeitures not exceeding five hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding ninety days or both, in the discretion of the court, together with the costs of prosecution for each violation of any of said ordinances; and may provide that the offender on failing to pay any such fines, penalty or forfeiture and the costs of prosecution, may be imprisoned for any term not exceeding ninety days, unless payment thereof be sooner made, and may direct such imprisonment to be in the city prison or in the county jail of the county of Jackson, or in such other prison or place of confinement in the State as the council may prescribe, and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture and imprisonment for the violation of any ordinance shall be prescribed therein.

Approval of  
when to  
take effect. SEC. 3. On the same day, or on the next day after the passage of any ordinance or the adoption of any resolution, the recorder or deputy recorder shall present the same to the mayor or other person performing the duties of mayor for his approval. No ordinance or resolution passed by the council, shall be of any force or effect without the written approval of the mayor or other person performing, for the time being the duties of his office, unless he omit to return it with his objections within six days after its presentation to him, or in case of the absence of the recorder and deputy to the council at its next regular meeting in which case it shall be deemed regularly enacted: Provided, That when a resolution embraces several distinct matters or claims, the mayor shall have the right to approve a part and disapprove a part in the same manner and with the same effect as if presented by separate resolution. If after the return of the ordinance or resolution with the objections thereto as aforesaid, the same shall be

passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance or resolution shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

SEC. 4. At the time of presenting any ordinance or resolution to the mayor for his approval, the recorder shall certify thereon the time when the same was presented, and after the return thereof he shall also certify and in the journal or record of the proceedings of the council the time of the return of such ordinance or resolution, and whether approved or with objections, and shall at the next meeting of the council report any ordinance or resolution returned with objections thereto. He shall also certify in such journal or record the time when such ordinance or resolution was presented to the mayor for his approval.

SEC. 5. No repealed ordinance shall be revived and no ordinance shall be amended unless the whole or so much as is intended to be revived or amended shall be re-enacted. When any section or part of a section of an ordinance is amended the whole section as amended shall be re-enacted.

SEC. 6. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the recorder in a book to be called "The Record of Ordinances" and it shall be the duty of the mayor and recorder to authenticate the same by their official signatures upon such record.

SEC. 7. Immediately after the passage of any ordinance the same shall be published with the other proceedings of the council in the official paper of the city, designated as such by the common council, and the recorder shall, immediately after such publication, enter on the record of ordinances in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made and sign the same officially and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

SEC. 8. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of said city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings:

First, from a written or printed record thereof kept by the recorder;

Second, From a copy thereof, or of such record thereof, certified by the recorder under the seal of the city;

Third, From any volume of ordinances purporting to have been written or printed by the authority of the council.

Prosecutions,  
when com-  
menced.

Penalty for  
violation, how  
recovered.

Actions, how  
commenced.

When execu-  
tion to issue.

Prosecutions,  
how com-  
menced.

Warrant,  
what to set  
forth, etc.

Proceeding,  
how governed.

Conviction.

Judgment,  
how enforced.

SEC. 9. Prosecutions for violations of the ordinances of said city shall be commenced within two years after the commission of the offense; and shall be brought within the city.

SEC. 10. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

SEC. 11. Such action shall be brought in the name of the city of Jackson, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

SEC. 12. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by a warrant for the arrest of the offender.

SEC. 13. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof shall, except as otherwise provided by this act, be governed by, and conform, as nearly as may be, to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

SEC. 14. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with the costs of prosecution.

SEC. 15. Every such judgment shall be enforced by virtue of an execution or warrant of commitment specifying the particulars of the judgment. If the judgment be for the payment

of a fine only, with or without costs, execution of the form prescribed in section eleven of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine, and imprisonment in default of the payment thereof, or where imprisonment is alone imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

*Warrant of commitment.*

SEC. 16. Said city shall be allowed the use of the jail of the <sup>City may use county jail.</sup> county of Jackson, for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment, may be sentenced to, and committed to imprisonment in such county jail, or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff, or other keeper of such jail or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

SEC. 17. All process issued in any prosecution or proceeding <sup>Execution of process.</sup> for the violation of any ordinance of the city, shall be directed to the chief of police or to any policeman of the city, and may be executed in any part of the State by said officers.

SEC. 18. It shall not be necessary in any suit, proceeding <sup>Warrants, etc., what to set forth.</sup> or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. It shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be a violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of an ordinance of the city, and the resolutions of the council, and of the authority of the city to enact the same.

SEC. 19. In all prosecutions for violations of the ordinances <sup>Trial by jury.</sup> of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected <sup>Selection of.</sup> and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the

city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants [of] the city in the result of the suit.

**Appeal to circuit court.**

SEC. 20. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Jackson, by appeal or writ of certiorari; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings by certiorari, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and certiorari in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security therein. The circuit court of said county shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

**Fines, to whom paid, etc.**

SEC. 21. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall, without unnecessary delay, pay the same into the city treasury, and take the treasurer's receipt for and file the same with the recorder.

**Penalty for unlawful keeping of fines.**

SEC. 22. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

**Disposition of fines.**

SEC. 23. Fines paid into the city treasury for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

SEC. 24. The circuit court of the county of Jackson shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding ninety days. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures and to punish violations of the criminal laws of the State and the general laws of the State regulating prosecutions in criminal cases and to recover penalties shall apply.

Jurisdiction of  
circuit court.

Proceedings.

## TITLE IX.

### PUBLIC HEALTH.

SECTION 1. The council of said city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction or spreading of malignant, infectious or contagious diseases within the city and for the removal of persons having such diseases or who from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, and the public safety require.

Duty of coun-  
cil relative to.

SEC. 2. If any person, company or corporation shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council or by the board of health of the city for the protection of the health of the inhabitants within the time prescribed therefor by said council or board of health, said council or board of health may cause the same to be done and the expense thereof may be recovered by the city in an action of debt or assumpsit, against such person, company or corporation. The council may in addition to all other remedies provide for the recovery of such expense, charge the same or such part thereof as they shall deem proper upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed and cause the same to be assessed upon such lot or premises and collected as a special assessment.

When to  
abate  
nuisances.

Recovery of  
expense.

SEC. 3. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignments at pleasure; and whenever a business, carried on in a place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

To assign  
places for  
offensive  
trades.

Council may provide hospitals, etc.

SEC. 4. The council may purchase the necessary lands, and erect thereon, or otherwise provide, one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employes, and for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper, and, by direction of the council or board of health, persons having any malignant, infectious or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require, and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Powers of council.

SEC. 5. The council shall also have and exercise within and for the city all the powers and authority conferred upon boards of health by the general laws of this State, so far as the same are applicable to and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Board of health, powers, etc.

SEC. 6. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the general laws of this State, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health or any officers thereof.

Health officer, powers.

SEC. 7. The common council may provide by ordinance for the appointment of a health officer, who shall have and exercise all the powers and authority conferred on health officers by the general laws of the State, and who shall perform all the duties therein required of such officers. The health officers and the members of said board shall receive such compensation as the council may by ordinance prescribe; and the common council may require that the duties of the health officer, the city physician, and the overseer of the poor shall be performed by one person, at such compensation as the council may by ordinance prescribe.

Compensation.

## TITLE X.

### PARKS, PUBLIC GROUNDS AND CEMETERIES.

Council may acquire, etc.

SECTION 1. The common council of said city may acquire, purchase, own and lease for the use of said city such real estate as may be necessary for public grounds, parks and cemeteries. Such cemeteries or parks may be within or without the city. And said council shall have authority to lay out,

establish and enlarge or vacate and discontinue such public grounds and parks, and it may improve, light and ornament the same and said cemeteries, and regulate the care and use thereof and protect the same and the appurtenances thereto by proper police regulations from obstructions, encroachments and injury and from all nuisances.

SEC. 2. The care, management, improvement and supervision of said cemeteries, parks and public grounds of the city shall be vested in the board of cemetery trustees, which board shall continue and shall hereafter be known as the board of park and cemetery commissioners, and the present members thereof shall hold their office during the term for which they were respectively appointed. The common council shall on the first Monday of May in each year, or at some regular meeting thereafter, appoint upon nomination of the mayor, one member of said board who shall hold his office for the term of three years from and after the first Monday of May of the year when appointed and until his successor is appointed and has duly filed his oath of office. The members of said board shall serve without compensation. The council may remove any member so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause. No member of said board shall during his term of office hold any other office under the charter of the city, nor shall he be interested directly or indirectly in any contract for any improvements in the cemeteries, public grounds or parks of the city, or in the purchase, sale or disposition of any material to be used therefor.

SEC. 3. Said board shall annually elect one of its members president, and the recorder shall be clerk of said board.

SEC. 4. The council may within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemeteries, parks or other public grounds and for the improvement, adornment, protection and care thereof and the erection of buildings therein and the maintenance and repair thereof.

SEC. 5. Said board subject to the directions and ordinances of said council shall have the care and management of any such parks, public grounds and cemeteries, and the buildings therein, and shall have power to employ a superintendent or superintendents and such laborers as may be necessary therefor. And shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out in lots, avenues and walks; the lots in said cemeteries to be numbered, and the avenues and walks therein to be named and plats thereof to be made and recorded in the office of the recorder. The board, subject to the approval of the council, shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the recorder and be recorded in his office at the expense of the purchasers.

Board of  
park and  
cemetery  
commission-  
ers.

To elect  
president.

Council may  
raise money.

Powers, etc.  
of board.

To expend  
money, regu-  
late burials,  
etc.

SEC. 6. Said board shall expend the money provided for the care of the grounds within their charge, keeping such account thereof as shall separate the expenditures for cemetery purposes from those pertaining to parks and public grounds, and enforce the ordinances of the city made for the management and care thereof and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemeteries, buildings and other improvements in said parks or public grounds, and for the public use and enjoyment thereof, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

Disposition of  
money.

SEC. 7. All moneys raised for any public cemetery, public ground or park authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom shall be paid into the city treasury to the credit of the park fund or cemetery fund respectively: Provided, That the council may transfer any balance remaining in either of said funds at the close of the fiscal year to the contingent fund of said city. The board shall report to the council at its first regular meeting in each month and oftener when the council shall so require the amount of all moneys received into and owing to the park fund and cemetery fund and from what source and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid and to whom incurred and such other matters as the council shall require to be reported, which report shall be verified by the oath of the president and the recorder. And they shall report on or before the first Monday of February of each year to the common council the amount necessary for park and cemetery uses for the ensuing year, and shall also at the same time report and recommend to the council such public improvements in said public grounds, parks and cemeteries as in the judgment of said board shall be for the best interests of the city and the estimated cost thereof.

Contracts,  
how signed,  
etc.

SEC. 8. All contracts entered into by said board shall be in the corporate name of the city and shall be signed by the recorder and countersigned by the president of the board. Before entering into any such contracts the board shall advertise for sealed proposals for doing such work or the furnishing of materials or implements which proposals shall be submitted to the common council: Provided, That if the estimated cost of such work or materials shall not exceed one hundred dollars the board may in its discretion omit to advertise the same and may procure proposals without so doing. In such proposals the board shall reserve the right to reject any and all bids. But said board shall not enter into any contract for the improvement of any such parks, public grounds or cemeteries, unless provision therefor shall have been made in the annual appropriation bill or by sales of lots in cemeteries, the proceeds whereof shall be expended for the care and improvement of said cemeteries.

Proviso.

SEC. 9. All claims for work done or expenses incurred by Board to audit claims. said board with respect to such parks, public grounds and cemeteries shall be audited by it and reported to the council, and no money shall be paid out of the treasury on account of such work or expense until the council shall have approved of the same and the warrants therefor are duly signed by the recorder and countersigned by the mayor.

SEC. 10. The council may pass and enforce all necessary Ordinances for control- ing of parks, etc. ordinances to carry into effect the provisions herein and to control and regulate such public grounds, parks and cemeteries and the improvements thereof and to protect the same from injury and to punish violations of any lawful orders and regulations made by said board and may confer such powers therein upon said board as may be necessary for such purpose.

SEC. 11. The council shall have power also to pass all Ordinances for protection of cemeteries. ordinances deemed necessary for the preservation and protection of any cemetery or burial place within or without the city belonging to or under control of any church, religious society, corporation, company or association and for the protection and preservation of the tombs, monuments and improvements thereon and the appurtenances thereto. And the Interment. council may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe, and the council may cause any bodies buried within the city in violation of any rule or ordinance made with respect to such burial, to be taken up and buried elsewhere.

## TITLE XI.

### SEWERS, DRAINS AND WATER COURSES.

SECTION 1. The city council may establish, construct and maintain sewers and drains whenever and wherever necessary and of such dimensions and materials and under such regulations as it may deem proper for the drainage of the city, and may regulate and maintain those already constructed, and may discontinue the same when necessary and make the necessary expenditures to enclose in walls or dikes or otherwise improve Grand river. Improve Grand river. In case that it shall be determined that in order to improve the outlet for the sewage of the State prison, the authorities of that institution will do any part of the work of improving the channel of said river, either within the city or north of the city limits and the board of control of said prison shall have approved the plans for making any part of Relative to sewage of state prison.

such improvement, then such rights in the lands in or on the banks of said river as may be necessary for that purpose may be condemned in the manner so prescribed at the instance of said city for the use of the State of Michigan and in such latter case the rights condemned shall be held in the name of the State of Michigan. In either case the city council may also acquire such rights by negotiation. In all cases where the council shall deem it practicable, sewers and drains shall be constructed in the public streets and grounds.

**Board of  
public works  
to care for  
sewers.**

SEC. 2. The board of public works of said city shall have the care and management of all sewers and drains and the charge of their construction.

**When board  
to report plan  
of sewerage.**

SEC. 3. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to so declare by resolution, and shall therein direct the board of public works to report a plan of sewerage and drainage for the whole city, or for such part thereof as they shall determine.

**Plan, how  
formed.**

SEC. 4. Such plan shall be formed with the view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the recorder.

**Subdivision of  
main sewer  
districts.**

SEC. 5. Main sewer districts may be sub-divided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary special sewer districts, to include one or more local or branch sewers, and such land as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

**Costs and  
expenses, how  
paid.**

SEC. 6. Such part as the common council shall determine not exceeding two-thirds of the cost and expense of any main district sewer or of the cost of any lateral branch or local sewer constructed within a special sewer district, or of the cost of walling or dyking Grand river or a portion thereof, shall be paid from the general sewer fund, and the remainder of such cost and expense shall be defrayed by special assessment in proportion to benefits, upon all taxable lands and premises included within the main or special sewer or dyking districts, as the case may be, in proportion to such estimated benefits accruing to each parcel respectively from the construction of the sewer or dyke.

**Diagram and  
plat, what to  
show, etc.**

SEC. 7. Before proceeding to the construction of any district sewer or dyke of Grand river, the board of public works, by direction of the common council, shall cause a diagram and plat of the whole sewer or dyking district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer and dykes; and the depth, grade and

dimensions thereof, accompanied by an estimate of the cost thereof, and report the same to the common council. And the recorder shall give notice by publication for at least one week, in one of the newspapers of the city, of the intention to construct said sewer or dyke, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer or dyke.

SEC. 8. When the council shall determine to construct any such district sewer or dyke, they shall so declare by resolution, designating the district and describing, by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer or dyke, and shall determine in the same resolution what part of the estimated expenses of the sewer or dyke shall be paid from the general sewer fund; and what part shall be defrayed by special assessment according to benefits, and the proportions to be paid from the general sewer fund, and to be defrayed by special assessments, when so determined, shall be final and conclusive; and they shall cause such plat and diagram as adopted to be recorded in the office of the recorder, in the book of sewer records.

SEC. 9. Special assessments for the construction of sewers and for the dyking of Grand river, shall be made by the board of assessors in the manner provided in this act for making special assessments.

SEC. 10. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may direct the work to be done by the board of public works, at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

SEC. 11. The owners or occupants of lots and premises shall have the right to connect the same at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the common council shall by ordinance prescribe.

SEC. 12. Such part of the expenses of providing ditches, and improving water courses, as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

SEC. 13. The expenses of repairing public sewers, ditches and water courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Notice, how given, etc.

Resolution to construct.

Special assessments, by whom made.

Construction of private drain.

Expense a lien.

May connect drains with sewer.

Expenses of ditches.

Expenses of repairing.

**Ordinances  
for protection  
of sewers, etc.**

SEC. 14. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers and of the dyking and other improvements, and to carry into effect the powers herein conferred in respect to drainage of the city and to the dyking and other improvements of Grand river, and in such ordinances it may be provided what work of removing obstructions, cleaning out the channel and straightening the course of Grand river and of protecting the walls, shall be deemed parts of the dyking in this charter provided for.

## TITLE XII.

### STREETS AND PUBLIC GROUNDS.

**Supervision  
of.**

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and may cause the same to be kept in repair, and free from nuisance.

**Private  
streets, etc.**

SEC. 2. But the city shall not appropriate any money for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked and used by the public as a street or alley before the passage of this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after the passage of this act, unless the dedication shall be accepted and confirmed by the council by an ordinance or resolution specially passed for that purpose.

**Council to  
improve, etc.**

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, or alter any highway, street, or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use.

**Expense, how  
paid.**

The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such cost and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund. If for any reason the common council shall deem it for the interest of the city to alter or vacate any plat of lands in said city or any part of the same, or any street, alley, or public grounds, or any part of the same, it shall have power equally with the owner or owners of the lands platted, to apply to the circuit court of the county for such alteration or vacation, and it shall be a sufficient interest in that part of the plat to authorize such an application if it shall appear that the part of the street, alley or public grounds on the plat proposed to be altered or vacated, has been dedicated to the public: Provided, That if all persons interested in the entire plat or a distinct part thereof, shall file with

**Vacating.**

**Proviso.**

the common council their written consent to its vacation, then the common council shall have power to vacate the same by resolution. Surveys shall be made of all such highways, streets, alleys or public grounds, and of all changes made therein and the same shall be recorded in the office of the recorder, in a book of street records.

SEC. 4. The council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the recorder, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds as in the records described. And may also provide by ordinance for the removal of obstructions or encroachments, and no title to or property rights in streets or public grounds or buildings in said city shall ever be gained by any encroachment thereon to obstructions thereof or by adverse possession thereof however long continued, nor shall the city be barred by reason thereof from maintaining proper actions to assert its rights therein.

SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and may change or alter the grade of any street, alley, or public ground, or of any part thereof, whenever, in their opinion, the public convenience will be promoted thereby. Whenever a grade shall be established or altered, duplicate records and diagrams thereof shall be made in books provided by the common council for that purpose, one of which shall be kept in the office of the recorder, and one in the office of the city engineer.

SEC. 6. Whenever any pavement shall have been constructed on any street, alley or highway, in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of said lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

SEC. 7. If any damage shall result to any owner by a change of the established grade of any street, alley or sidewalk, the council shall levy and collect the amount thereof by special assessment upon the lots benefited thereby and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained.

Establish boundaries.

Encroach-  
ments.

Records of.

Expense of  
change of  
grade, how  
paid.

Damages to  
owner.

## PAVING AND IMPROVEMENTS.

**Power of council.** SEC. 8. The common council shall have power to cause the highways, streets, avenues, lanes and alleys of the city to be graded, paved, planked, graveled, curbed and otherwise improved and repaired, and the gutters paved; and for that purpose, and for defraying the expense thereof, may divide the city or parts thereof, into paving districts. The term "paved" shall be construed as including the necessary crosswalks, gutters, subdrainage, curbing, ballasting and refitting of openings to sewers and connections with gas and water pipes.

**"Paved" defined.**

**Expense of paving public squares, etc., how paid.** SEC. 9. Such parts of the expense of any pavement as is for the paving of the squares or spaces formed by the intersecting lines of public streets and alleys, the extra expense of crosswalks and which shall be for the paving of half of the street or alley in front of or adjoining to school buildings, county buildings and other public buildings, and grounds not taxable, shall in all bids requested and in all contracts for paving, be itemized separate from that or those for the doing of the portions of the work, for which persons and real estate benefited are to be assessed, but may be included in the same contract, and the expense of such portion of the work, and three-fifths of the expense of paving in front of the abutting property, and the expense for the preparation of the plan, the making of surveys, printing, assessments, for the giving of notices, advertising for bids, and the superintending of the work, including all items not let by contract, shall be paid from the paving or general fund of the city. In the case that the common council shall deem it necessary, it shall have power to raise the money to defray the expenses to be paid by the city at large of such construction of one or more pavements by levying a paving tax not exceeding one-half mill on the dollar, in any year, in addition to all other taxes hereby authorized, by borrowing not exceeding thirty thousand dollars, in any one year for that purpose, or partly by tax and partly by borrowing, at a rate of interest not exceeding five per centum per annum, payable semi-annually, and to issue bonds therefor, and in any case of so raising moneys the sums shall be placed in a separate general fund.

**Paving tax.** SEC. 10. The expense of the construction of any pavement, other than the portion to be paid by the city, defrayed by special assessments upon lots and premises shall be included in a special assessment district, to be constituted of such lands as in the opinion of the council may be benefited by such improvement in proportion to the estimated benefits resulting thereto: Provided, That all gutters, may be paved from the street funds when the same are made necessary for the protection of the street or part of a street upon which a full pavement has not been ordered.

**Special assessment district.** SEC. 11. The council shall have power to prohibit and prevent obstructions and encumbrances in the public highways, streets and alleys of the city and to remove the same, and to

**Proviso.**

**Relative to obstructions, etc.**

prohibit encroachments upon any public street, alley or highway, and to punish those who shall obstruct, incumber, encroach or maintain any encroachment upon or in any such highway, street or alley and to require all such persons to remove every such obstruction, incumbrance or encroachment.

SEC. 12. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets, parks and avenues of the city, and for the protection thereof, and may cause the streets, alleys and public grounds to be lighted and regulate the setting of lamp-posts and other lighting facilities therein under the supervision of the committee on streets of the common council.

SEC. 13. The common council may, by ordinance, regulate excavations. the manner of making of all openings in and removals of the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except at such times and upon such terms and regulations as they may prescribe.

SEC. 14. The council may regulate the use of public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, and banners, awning-posts, telephone and telegraph poles, and wires in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges, to regulate or prohibit all such sports, amusements, proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets; and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council of the city shall have the same authority and powers over and in respect to the public streets and alleys of the city as are conferred by law upon highway commissioners in townships, except as by this act herein otherwise provided.

Authority of  
council as to  
use of streets,  
etc.

## TITLE XIII.

## SIDEWALKS.

Who to main-  
tain, etc.

SECTION 1. The council shall order, establish, construct and maintain sidewalks in the city of such dimensions and materials and under such regulations as they may deem proper for the public use and benefit of the city. They shall prescribe and prepare the grade therefor whenever necessary. The council may order the whole of such sidewalk to be built by the owner of the premises adjoining to or abutting on such sidewalks or they may provide that such portion of the cost of said sidewalks and of such material as they shall by ordinance or resolution declare, not exceeding one-half thereof exclusive of the grading, may be paid from the general sidewalk fund of the city, and the remainder thereof as ordered by said council shall be assessed and become a charge against the owner of said premises so adjoining to or abutting on said walks.

Cost, how  
paid.

SEC. 2. The council shall also have power to cause and require the owners or occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lots and premises and to keep the same free from obstruction, encroachment, incumbrance, filth and other nuisances.

Failure of  
owner to  
construct,  
etc.

SEC. 3. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, or pay such part of the cost thereof as mentioned and prescribed in the last two sections or shall fail to keep the same in repair or to remove the snow, ice and filth therefrom or to remove and keep the same free from obstructions, encroachments, incumbrances and other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks within such time and in such manner as the council shall require, the council shall cause the same to be done and such sidewalk to be constructed, repaired and kept free from snow and ice at the expense of such owner or occupant and the amount of all the expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent thereto and abutting upon such sidewalk and may be enforced by the sale of such property as the council shall by ordinance prescribe. And it shall also be lawful in case of the non-payment by the owners of said premises of the amount so charged against them for said city to sue for and collect said amount from him in an action of assumpsit for work done and materials furnished for his use and benefit.

Expense.

Action of  
assumpsit.

Openings in  
sidewalks.

SEC. 4. The council shall have power to regulate and prohibit the construction and use of openings in the sidewalks and of all vaults, structures and excavations under the same, and to prohibit and prevent obstructions, incumbrances and other nuisances upon the walk.

## TITLE XIV.

## SPECIAL ASSESSMENTS.

SECTION 1. There shall be a board of assessors in said city, consisting of three members, who shall be freeholders and electors in the city, to be appointed by the council; they shall hold office for three years and until their successors shall be appointed and qualify. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment the council shall appoint some other person to act in his stead in making the assessment, who for the purposes of that assessment shall be a member of the board.

Board of  
assessors,  
appointment,  
etc.

SEC. 2. When the council shall determine to make any public improvement or repairs and defray the whole or any part of the costs and expense thereof by special assessment they shall so declare in the annual appropriation bill or thereafter by resolution stating the improvement and what part or portion of the expense thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Resolution of  
council as to  
improve-  
ments.

SEC. 3. Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment the council shall cause estimates of the expenses thereof to be made by the board of public works and also plats and diagrams when practicable of the work and of the locality to be improved, and deposit the same with the recorder for public examination, and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed by publication for at least one week, in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor no such improvement or work shall be ordered except by the concurrence of two-thirds of the aldermen elect, and in case of paving improvements except three-fourths of the aldermen elect shall concur.

Estimates,  
etc.

Notice of  
improve-  
ment.

SEC. 4. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, notices, advertising and costs of construction.

Costs, what  
to include.

SEC. 5. When any special assessment is to be made pro rata upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, whether according to benefits or frontage, and describe or designate the lots and premises or locality constituting the district to be assessed.

Assessment.  
what to state,  
etc.

Assessment  
roll, how and  
by whom  
made.

SEC. 6. Upon receiving such order and directions the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof with the names of the persons if known, chargeable with the assessment thereon and shall levy thereon and against such persons the amount to be assessed; assessing upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefits resulting to such lots from the improvement as ascertained in the manner directed by the council and when such assessment is completed they shall report the same to the council. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of frontage of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless, on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

Expense on  
single par-  
cels, how  
reported, etc.

SEC. 7. When any expense shall be incurred by the city upon or in respect to any separate or single parcel of land or premises, which by the provisions of this act the council is authorized to charge and collect as a special assessment against the same and not being of that class of special assessments required to be made pro rata upon the several lots or parcels of land in an assessment district on account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services with a description of the lot or premises upon or in respect to which the expense is incurred and the name of the owner or person chargeable therewith shall be reported to the council in such manner as it shall prescribe.

Idem.

SEC. 8. The council shall determine what amount or part of every such expense shall be charged and the person if known against whom, and the premises upon which the same shall be levied as a special assessment and it shall require all of the several amounts so reported and determined and the several lots or premises and the persons chargeable therewith respectively, to be reported by the recorder to the board of assessors for assessment.

Assessors to  
make roll.

SEC. 9. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll and levy as a special assessment thereon, upon each lot or parcel of land so reported to them, and against the person chargeable therewith if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed the same shall be submitted to the city attorney who shall carefully review and return the same within twenty days from the receipt of the same, to the assessors

City attorney  
to review.

with such corrections as said city attorney may deem necessary, and after the same has been so corrected the assessors shall report said assessment to the council.

SEC. 10. When any special assessment shall be reported by the assessors to the council as in this chapter provided, the same shall be filed in the office of the recorder and numbered. Before adopting the assessment the council shall cause notice to be published for one week in some newspaper of the city of the filing of the same with the recorder and appointing a time when the council and assessors will meet to review the assessment. Any person objecting to the assessment shall file his objections thereto in writing with the recorder.

SEC. 11. At the time appointed for that purpose as afore-said, the council and assessors shall meet and there or at some adjourned meeting, review the assessment, and the council shall correct the same if necessary and confirm it as reported or as corrected, or it may refer the assessment back to the board of assessors for revision or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the recorder shall endorse a certificate thereof upon the roll showing the date of confirmation. The provisions of sections ten and eleven shall not apply to assessments upon a single parcel of land assessed for expense incurred by reason of the default of the owner in not complying with any order of the city made in compliance with this act.

SEC. 12. All special assessments shall from the date of confirmation thereof constitute a lien upon the respective lots or parcels of land assessed and shall be a charge against the persons to whom assessed until paid. And when any special assessment shall be confirmed by council it shall be final and conclusive. But no such assessment shall be confirmed except by the concurrence of a majority of all the aldermen elect.

SEC. 13. Upon the confirmation of any special assessment the amount thereof may be divided into not more than ten installments, one of which shall be collected each year at such times as the common council shall determine, with interest payable annually at a rate not exceeding six per cent per annum, and warrants shall from time to time be issued for the collection thereof. The council shall have power to borrow the money necessary to complete such public improvement for which a special assessment roll shall have been made as aforesaid and issue for the amount of such loan the bonds of the city payable as may be provided by said council, and the said council shall reimburse the moneys so borrowed for the purpose of such public improvement from the proceeds of such special assessment. It shall only be lawful to issue such amount of bonds as may be necessary to pay for the portion of the expense of the particular improvement for which the special assessment is made, and any saving either in interest or premium on bonds or in amount thereof beyond the cost of preparing bonds for signature from the amount of the

Assessment,  
where filed,  
etc.

Objections.

Review of  
assessment.

Confirmation.

To constitute  
lien.

Installments,  
interest, etc.

Council may  
borrow  
money.

special assessment shall be pro rata for the benefit of the persons and lands assessed and shall be deducted from the last installment or installments of the said special assessment. Said bonds shall be payable as near as may be at the time when special assessments may with due diligence be collected: Provided, That before bonds shall be issued any person assessed may pay the amount assessed against him, and may have on the completion of the work such deductions as he may equitably be entitled to if the improvement shall have been made at a less cost than the amount of such special assessment.

**Proviso.****Assessments,  
when due.**

SEC. 14. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the last section, shall be due and payable immediately upon the execution of the contract for the performance of the work and furnishing of the material for which special assessments are levied.

**Special roll  
for each  
installment.**

SEC. 15. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

**Division of  
lands.**

SEC. 16. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of the lots and lands so divided. The report of such apportionment, when confirmed, as heretofore provided, shall be conclusive upon all the parties, and all assessment thereafter made upon such lots or lands shall be according to such division.

**Insufficiency  
of assess-  
ment.**

SEC. 17. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

**When new  
assessment  
may be made.**

SEC. 18. Whenever any special assessments, heretofore or hereafter made, shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as herein provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the

re-assessment on said premises and the re-assessment shall to that extent be deemed satisfied.

SEC. 19. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding, might have been lawfully assessed thereon.

SEC. 20. Whenever any special assessment shall be confirmed and be payable, the council may direct the recorder to levy the sums therein mentioned upon the respective lots and premises to which they are especially assessed, and against the persons chargeable therewith, as a tax, in the city tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said city tax roll, shall be collected and enforced with other taxes in the city tax roll and in the same manner; and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury.

SEC. 21. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be levied in the city tax roll, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the recorder shall attach his warrant to a certified copy of said special assessment roll, therein commanding the treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he pay the money so collected into the city treasury; and return said roll and warrant, together with his doings thereon, in sixty days of the date of such warrant. In case the warrant shall be renewed by direction of the common council, as provided in section twenty-four of this chapter, the recorder shall, in the certificate of renewal thereof, direct the treasurer to collect from the same persons named in the said roll whose assessments remain unpaid, in addition to the several sums set opposite their respective names, one per cent on all sums paid during the first month of the renewal of said warrant and one per cent additional for each month or part of a month thereafter during which any sums shall remain unpaid so long as the warrant shall be renewed and remain in force.

SEC. 22. Upon receiving said assessment roll and warrant, the treasurer shall proceed to collect the amounts assessed therein; and, if the warrant shall be renewed as provided for in section twenty-four of this chapter, then he shall also collect the percentages mentioned in the last preceding section. If any person shall neglect or refuse to pay his assessment upon demand, the collector shall seize and levy upon any

Lien not to be impaired.

When assessments levied in city tax roll.

May be collected from special roll.

Warrant of recorder.

Treasurer to collect.

Refusal of person to pay.

personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and for the costs and expenses for said seizure and sale, and the surplus, if any shall be paid to the person entitled thereto.

Treasurer to  
return roll,  
file statement,  
etc.

SEC. 23. The treasurer shall pay the moneys and all the costs and expenses collected by him into the city treasury, and file a statement thereof with the recorder. He shall also make return of said assessment roll and warrant to the recorder, according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by his affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Renewal of  
warrant.

SEC. 24. Said warrant may be renewed from time to time by the recorder, if the council shall so direct, and for such time as they shall determine, but not to exceed four months in all, after the expiration of the sixty days mentioned in section twenty-one of this chapter, and during the time of such renewal the warrant shall have the same force, and the treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the treasurer unpaid as aforesaid the same shall then be returned to the treasurer of the county of Jackson with interest included from the date of the confirmation of the assessment and the same shall be collected by the county treasurer for the benefit of the city of Jackson as other delinquent taxes against real estate are collected as herein-after provided.

Action for  
collection of  
assessment.

SEC. 25. At any time after a special assessment has become payable the same and also the percentage provided for in case of removal of the ward attached to the roll may be collected by suit in the name of the city against the person assessed in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be prima facie evidence of the regularity of all proceedings in making the assessment and of the right of the city to recover judgment therefor.

Evidence of  
regularity.

SEC. 26. If in any such action it shall appear that by reason of any irregularities or informality, the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged the court may nevertheless on satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant, or the lot or premises in question, render judgment for the

amount properly charged against such defendant or upon such lot or premises.

SEC. 27. The provisions of the last two preceding sections shall apply as well to assessments made before the passage of this act and remaining unpaid, as to those made after its passage.

Provisions,  
when to  
apply.

## TITLE XV.

### APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use in said city for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges; for buildings and structures for the fire department; for buildings and sites for public libraries; for public grounds, parks, market places and spaces; and for the improvement of water courses; for sewers, drains and ditches; for water-works, and for necessary public buildings, hospitals, pest houses, and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for making any such improvement and using such property, and the just compensation to be made therefor shall be determined by a jury of twelve disinterested freeholders; nor shall any improvement requiring the taking of private property be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property, not acquired by purchase, they shall so declare by resolution, describing the proposed improvement and each parcel of land designed to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate when application will be made to the recorder for the impaneling of a jury to ascertain the necessity of making such improvement, and of using said land, and the just compensation to be made therefor.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with the recorder, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for one week in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application. And a copy of said notice and resolution shall be served personally by the chief of police, any policeman or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within

Resolution to  
take property.

Copy, where  
filed.

Notice.

On whom  
served.

the city or elsewhere in the county; and if any such guardian, owner or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken the same length of time before making the application. A return by the sheriff, chief of police or policeman, of the service or posting of copies of said notice and resolution which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and resolution shall be filed with the said recorder before or at the time of making said application. And after the publication and service or posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

**Impaneling of jury, etc.** SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said recorder, he shall, upon the application of the city attorney, cause the chief of police, the sheriff, or one of the deputy sheriffs of the county, to make a list of the names of twenty-four disinterested freeholders, competent to serve as jurors. From said list the city attorney shall strike off six names and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the recorder shall strike off such names for him or them; and thereupon the recorder shall issue a venire directed to the chief of police or sheriff of the county, to summon the twelve persons whose names remain upon said list to appear before said recorder, at a time and place in said venire to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said venire. Said venire shall be served by the chief of police, the sheriff or one of his deputies; as in other cases of venire. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

**Guardian ad litem.**

SEC. 5. At the time of making the application to the recorder for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no guardian, or if no such guardian shall appear to represent such infant or incompetent person, the recorder, before proceeding with the matter, shall appoint some disinterested person as guardian ad litem, to protect the interest of the person for whom he is so appointed.

**Completing panel**

SEC. 6. If upon the return day of said venire a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the recorder

shall require the chief of police, sheriff, or one of his deputies, to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the recorder shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of making such proposed improvement, and of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands. And any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the recorder a statement of his interest in, and description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

SEC. 8. The jury shall then, or at such other time as the recorder shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the recorder shall instruct the jury as to the provisions of this section relating to their duties.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to make such improvement and to take such parcel of land for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby; and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

SEC. 10. The jury shall make a report of their determinations and awards in writing. If they shall find such improvement necessary to be made, they shall so state in their report, and shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole

Challenge of  
juror.

Jury to have  
map, plat, etc.

Statement of  
owner.

To examine  
premises.

Determination  
of jury.

Report, what  
to state.

amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the recorder within ten days after the impaneling of the jury.

**Entering of report.**

SEC. 11. The recorder shall enter said report, and all proceedings had in the cause before him, in a docket to be provided for that purpose.

**Impaneling of new jury.**

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the recorder may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the recorder may appoint another in his place, who shall have the like qualifications and be sworn, and exercise the same duties as the other jurors of the panel.

**Judgment of confirmation.**

SEC. 13. Upon filing the report and award made by any juror, with said recorder, a copy thereof may be taken by the city attorney, for the use of the council; and at any time thereafter, and within sixty days after the impaneling of the jury making the report, the recorder upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said sixty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.

**Aggrieved party may appeal.**

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the recorder a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and

all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the recorder a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said recorder, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the recorder the sum of three dollars for making his return to the appeal: Provided, Such appeal shall not prevent the city from taking possession of and occupying the lands therein described for the purposes of the proposed improvement, the same as if the appeal had not been taken.

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the recorder a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said recorder shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said recorder shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and said bill of exceptions, and file the same with the clerk of said circuit court.

SEC. 16. Upon filing the return of the recorder as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said recorder, and a new jury may be called and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the recorder as to the necessity of making the improvement and of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

SEC. 17. Upon any dismissal of the appeal or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council, and a certified copy of the

**Costs.** proceedings of the circuit court shall be filed in the office of the recorder and noted in his docket. And unless the appellant shall recover judgment for at least thirty dollars more than the amount awarded to him before the recorder, he shall pay costs to the city; otherwise the court may award such costs to him as shall be just.

**Evidence of regularity.** SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the recorder after the same has become final, and of the report of the jury thereby confirmed, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

**When council to pay awards.** SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the recorder shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed. And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any reward of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

**When fee to vest in city.** SEC. 20. Upon the payment, tender, or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer, of such payment, tender or deposit, or a record of such certificate in the docket of the recorder, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken: Provided, That in case of an appeal being taken by any party, no tender of the damages awarded by the jury shall be necessary to authorize the city to take and occupy such lands.

**Proviso.** SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment and confirmation in the circuit court, or upon the confirmation by the recorder, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

**In case of lease, etc.**

## TITLE XVI.

### FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city shall commence on ~~Fiscal year.~~ the first day of March in each year unless otherwise provided by ordinance.

SEC. 2. The council of the city shall have authority, within ~~the limitations herein prescribed,~~ <sup>Authority of council.</sup> to raise annually, by taxation within the corporation, such sums of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers by this act granted; but the bonded indebtedness of the city shall not at any time hereafter exceed three per cent of the real and personal property therein according to the assessed valuation thereof.

SEC. 3. The revenues raised by general tax upon all the ~~property in the city, or by loan to be repaid by such tax,~~ <sup>Division of revenues.</sup> shall be divided into the following general funds:

First, Contingent fund—to defray the contingent and other ~~expenses of the city, for the payment of which from some~~ <sup>Contingent fund.</sup> other fund, no provision is made;

Second, Fire department fund—to defray the expense of ~~purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;~~ <sup>Fire department.</sup>

Third, General street fund—to defray the expenses of opening, widening, extending, and altering streets, alleys, and public grounds; for paving, repaving, and repairing the same when not provided for by special assessment; for cleaning public streets, alleys, and grounds and for the construction and repair of crosswalks;

Fourth, General sewer fund—to defray the expenses of ~~sewers, drains, ditches, and drainage, when not provided for by special assessment, and the improvement of water courses;~~ <sup>Sewer.</sup>

Fifth, Bridge fund—for the construction and maintenance ~~of bridges and culverts;~~ <sup>Bridge.</sup>

Sixth, Water fund—for constructing reservoirs and cisterns, ~~and providing other supplies of water; for maintaining water-works and extending water pipes;~~ <sup>Water.</sup>

Seventh, Public building fund—for providing for public ~~buildings, including library buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such buildings, city halls, offices, prisons, watch houses, and hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for;~~ <sup>Building.</sup>

Eighth, Police fund—for the maintenance of the police of ~~the city and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;~~ <sup>Police.</sup>

Ninth, Cemetery fund;

Tenth, Park fund;

Eleventh, Hospital fund;

**Sinking.** Twelfth, Interest and sinking fund—for the payment of the public debt of the city and the interest thereon;

**Sidewalk.** Thirteenth, Sidewalk fund—for the construction, repairing, and cleaning of sidewalks;

**Other funds.** Fourteenth, Such other general funds as the council may from time to time constitute.

**Special funds.** SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

**Street districts.** First, A street district fund, for each street district—for defraying the expenses of grading, improving, repairing, and working upon the streets therein, and for paving gutters on hillsides, and for the payment of all street expenses which the council shall charge upon the street district;

**District sewer.** Second, A district sewer fund, for each main sewer district—for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts;

**Special assessment.** Third, Special assessment funds—any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised; and whenever any special assessment shall be confirmed by the common council and ordered to be levied or collected as provided in sections twenty and twenty-one of title fourteen of this act, the recorder shall transfer to the said special fund any sum of money that may have been appropriated by the common council from any general fund of the city for defraying a portion of the expense or cost of the particular improvement, work, or repairs, etc., for which the said assessment was made.

**Limit of general tax.** SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation and for all purposes for which the several funds mentioned in section three of this chapter are constituted and including the specific appropriations by this charter and by the general laws of the State made for ward district funds, for interest and sinking fund, for library fund and for the general street fund shall not exceed in any one year one and one-fourth per cent on the assessed value of all the real and personal property in the city made taxable by law.

**Repairing streets, etc.** SEC. 6. The council may also raise by tax in each street district for defraying expenses of working upon, improving and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in one year one-half mill on the dollar on the assessed value of the taxable real and personal property in the district, and the council shall have power in its discretion and at any time after the first day in November in each year to anticipate the collection of the street

district tax of the succeeding year to an extent not exceeding fifty per cent thereof for the purpose of purchasing stone and crushing the same to be used for macadamizing the streets of any ward, and to issue certificates of indebtedness payable out of said tax in payment of the same.

SEC. 7. The council shall raise annually one and one-half Sinking fund. mills on the dollar of the assessed valuation of the property in the city to provide an interest and sinking fund to pay the funded debts of the city and interest thereon: Provided however, That not less than twenty-five per cent of the amount realized from the sale or use of water shall be set apart by said council as a sinking fund for the payment of the bonds issued by said city, for the maintenance, extension or repair of said water-works and the interest accruing thereon. And so much of the receipts thus realized from the same or use of water as shall not be set apart as aforesaid, shall be used for the maintenance, repair, improvement and extension of said water-works and for no other purpose. Said council shall also raise and appropriate not less than seven thousand dollars in each and every year for the equipment and maintenance of the public library.

SEC. 8. During the month of February in each year it shall be the duty of the various administrative boards and of the officers of the city having charge of the several departments of the city government to transmit to the council estimates of all the expenditures which will be required to be made for the carrying on of said several departments of the city government and to make such recommendations to the council with respect thereto as in the opinion of the respective boards or officers transmitting the same shall be for the best interests of the city.

SEC. 9. The common council shall also, on or before the first Monday in March in each year, pass or adopt a resolution to be termed "the annual appropriation bill" in which it shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, and for every deficiency for the current year, payable from the several general funds and from the street district funds, as estimated and determined upon as provided in section eight of this chapter, and order the same or as much of such amounts as may be necessary to be raised by tax within the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the city, within the limits elsewhere provided in this act. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the amount or part of any special assessment, or other sum which they require to be levied or reassessed with the next general tax and the disposition to be made of such moneys.

*Proviso as to  
water works.*

*Boards to  
transmit esti-  
mates to  
council.*

*"Annual ap-  
propriation  
bill" passage,  
what to speci-  
fy, etc.*

And shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year to be paid for in whole or in part by special assessments, and the estimated cost thereof; and shall at the same time by resolution, levy the aggregate of the taxes mentioned in such appropriation bill upon the taxable property within said city. Such resolution shall declare that each and every important construction or repairs therein provided for, is determined by said common council to be a necessary improvement and shall direct the construction, erection or performance thereof by the board of public works of said city.

**Further appropriations, when made.**

SEC. 10. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated, nor shall any further liability be incurred for any purpose, to be paid from the general fund, or street district fund, during the fiscal year for which the appropriation was made, unless the council shall have determined by resolution concurred in by two-thirds of the members elect of said council, and approved by the mayor, that such expenditure is necessary: Provided. That if such expenditure so determined to be necessary shall exceed three thousand dollars, such appropriation therefor must be approved by a majority vote of the electors voting upon such proposition, at a public meeting assembled for the purpose. Such meeting of the citizens may be called by proclamation of the mayor, only upon the direction of the common council, two-thirds of the members elect voting therefor, and shall state definitely the object of the meeting, the amount of money necessary to be raised by special tax, and the purposes for which it is to be appropriated, which proclamation shall be published in two of the papers of said city, at least one week before the time appointed for the meeting; if at such meeting a majority of the citizens shall vote in favor of the special tax or taxes mentioned in such proclamation or any portion thereof, it shall be lawful for the council to levy the same, not exceeding one-half of one per cent in any year upon the taxable property of the city and to cause the same to be collected in the assessment roll of the city, to be issued next after the levy of such tax, and be collected in the manner provided for the collection of other city taxes. The vote at such meeting shall be by ballot. Such tax shall be levied and collected with the next annual tax levy and may be in addition to all other taxes herein provided for.

**Proviso as to vote of electors.**

**Supervisor to levy assessment.**

SECTION 1. The supervisor shall in each year make and complete an assessment of all the real and personal property within the respective wards, liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner as required by law for the assessment of property by supervisors in the townships

## TITLE XVII.

### ASSESSMENT AND COLLECTION OF TAXES.

of the State; and in so doing shall conform as far as may be to the provisions of law governing the action of supervisors of townships performing like service, and shall make like certificates and attach to his assessment roll.

SEC. 2. If any person residing in any ward of the city a part of the time during the year shall, in the opinion of the supervisor, unjustly or falsely claim exemption for taxation therein, on the ground that he or she has a residence and is taxed or liable to taxation elsewhere than in said city, the said supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and shall pay the tax levied in pursuance thereof, unless such person shall present to the treasurer or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such collector or receiver of taxes.

SEC. 3. All personal property found in any ward on the second Monday of April in any year may be assessed therein whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the wards in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

SEC. 4. The supervisors of the several wards, together with the city attorney, shall constitute a board of review of assessments: Provided, The city attorney shall have no vote therein.

SEC. 5. On the fourth Monday in May in each year the said board of review shall meet at the chamber of the common council and there proceed to review and correct the assessments made by the supervisors and for that purpose said board shall have the same powers and perform the same duties in all respects as boards of review of townships in reviewing and correcting assessments. Said board shall continue in session not less than five days nor more than ten days for the purpose of completing such review. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the recorder by publication in one of the newspapers of the city, and by posting or causing to be posted twenty copies of such notice, in each ward of the city, at least one week before the time of the review.

SEC. 6. When the board shall have reviewed and corrected the assessment rolls of the several wards, they shall, add their own certificate to each roll, signed by at least a majority of them, together with the city attorney, showing that they have reviewed the roll. The board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll of the proper ward,

How to assess  
persons claiming  
exemptions.

Personal  
property,  
where  
assessed.

Meetings of  
board.

Notice of.

To attach  
certificate to  
roll.

any taxable property, real or personal, not already assessed held or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.

**Roll, to whom delivered.**

SEC. 7. When such assessment roll shall be completed it shall be delivered to the recorder, who shall immediately proceed to make therefrom a full and complete copy of such assessment roll for the use of the common council, which shall be deemed the city assessment roll for that year. When such copy shall be completed, and within fifteen days after receiving such rolls, the recorder shall re-deliver the same to the respective supervisors to be used for State, county, and school purposes: Provided, That the common council may extend the time of re-delivering said roll as aforesaid, not to exceed fifteen days.

**Proviso.**

**Defective description.**

SEC. 8. Whenever, in consequence of a defective description or assessment of any lands, the same cannot be sold for the city taxes of any year, the common council may cause such taxes to be re-assessed upon such lands with the next, or any subsequent annual tax levy. It shall be the duty of the recorder to annually report to the common council such defective descriptions and assessments before the annual tax levy.

**Duty of recorder on completion of roll.**

SEC. 9. It shall be the duty of the recorder, under the direction of the common council, whenever any assessment roll shall have been completed, in each and every year, to assess the taxes that have been levied by the common council for the year upon the taxable property of the city according, or in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the city for the year. He shall thereupon deliver to the city treasurer said assessment roll, with the taxes for the general funds of the city for the year, annexed to each valuation and carried out in a column thereof, and if there be other taxes assessed than for said general funds, they shall be carried out in separate columns, and all special assessments required by the common council, or the provisions of this act, to be assessed, if in such roll, against any descriptions of land, shall be carried out in separate columns thereof and the total amount of taxes and assessments shall be carried out in the last column of such roll.

**Notice of treasurer on receipt of roll.**

SEC. 10. The treasurer, upon receiving such tax roll, shall give notice to the taxpayers of said city, that the same has been delivered to him, and that the taxes therein assessed can be paid to him at his office in said city, at any time within thirty days after the giving of such notice, without any charge or percentage for the collection thereof, which notice shall be given by publishing the same in two newspapers published in said city, and by posting the same in at least twenty public places in each of the wards of said city, and an affidavit or affidavits by him, showing the publication and posting of said notices shall be filed by him in the office of the recorder of

said city; and it shall be the duty of the treasurer during said office hours thirty days to be at his office from nine o'clock in the forenoon until four o'clock in the afternoon to receive payment of said taxes.

SEC. 11. Immediately after the expiration of the time mentioned in said notice, the recorder shall deliver to the city treasurer a warrant under the hand of the recorder and the seal of said city, commanding him to collect from the several persons named in said roll whose taxes remain unpaid the several sums mentioned in the last column thereof, opposite their respective names, and in addition thereto, one per cent upon all sums paid during the first month, and two per cent additional for each month or part of a month thereafter, during which any sum shall remain unpaid for collecting expenses, on or before the day specified in such warrant, and it shall authorize the treasurer in case any person shall neglect or refuse to pay his or her tax, and the said collecting expenses, to levy the same by distress and sale of the goods and chattels of such person: Provided, Such warrant may be renewed or extended by the common council from time to time, but not to exceed six months from the date of the original warrant.

SEC. 12. The treasurer, upon receiving the warrant mentioned in the preceding section, shall proceed to collect the taxes and assessments therein mentioned that remain unpaid, and shall call upon each person whose taxes or assessments remain unpaid, if a resident of the city, at least once, and demand payment of the taxes and assessments charged to him upon said roll, and the percentage for the collection of the same, and in case of refusal or neglect to pay such taxes or assessments, and assessments and collection percentage, the treasurer shall levy the same by distress and the sale of the goods and chattels of every such person, wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice, and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made; and the treasurer shall, within ten days after the time mentioned in his warrant for the collection of said unpaid taxes and assessments, return said tax roll into the office of the recorder, and in case any of the taxes or assessments mentioned in said roll shall remain unpaid and he shall be unable to collect the same, he shall make out a statement of the taxes and assessments remaining unpaid and due, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax or assessment. And thereupon and immediately upon the completion of such statement, the said city treasurer shall file the same together with a certified copy of his assessment roll with the treasurer of the

When to charge per cent.

Neglect to pay.

Proviso.

Proceedings to collect unpaid taxes.

Roll, to whom returned.

county of Jackson and thereupon all of the unpaid taxes upon real property set forth in said statement shall be collected under the general laws of the State in the same manner and with like effect as delinquent lands returned by the township treasurers but for the benefit of the said city of Jackson, and the treasurer of said city shall have the right to appear upon the sale of such lands, if any shall be made by the county treasurer, and bid the same in if necessary for the benefit of the said city of Jackson.

## TITLE XVIII.

### FIRE DEPARTMENT.

Council to establish, etc.

SECTION 1. The common council of said city shall have power to enact such ordinance and establish and enforce such regulation as they may deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for this purpose to establish and maintain a fire department, organize and maintain fire companies, and provide for the efficiency of such department and companies.

Purchase apparatus, etc.

SEC. 2. The council may provide for the purchase of suitable fire engines, and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Erect buildings.

SEC. 3. The council may also provide for erection of all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department.

Board of fire commissioners, terms, etc.

SEC. 4. The board of fire commissioners shall continue, and the members thereof shall hold office during the terms for which they were respectively appointed. The mayor shall, on the first Monday of May in each year, with the advice and consent of the common council, appoint one member of said board, who shall hold his office for the term of three years from that date, and until his successor is appointed and enters upon the duties of his office. If for any cause the said appointment shall not be made on the said date, it may be made at some subsequent meeting of the council. The members of said board shall serve without compensation. Said board shall have the following power:

Power.

First, The charges of all engines, teams, instruments, tools, buildings, apparatus and other property of every name and nature belonging to or connected with the fire department of said city;

Charge of apparatus, etc.

Second, The appointment of a chief engineer of the fire department, who shall have the supervision and direction of the department, subject to such rules and regulations as the board shall prescribe, and whose duty it shall also be to report

promptly to the board of public works any and all repairs that may be needed to the public hydrants established in said city for use in cases of fire;

Third, The employment of all firemen and employes of the department: Provided, That the council shall fix the number of firemen and employes of the department;

Fourth, The charge and control of all expenditures of money appropriated for the purposes of said fire department: Provided, That said moneys shall not be expended for any purposes except those specified in the annual appropriation bill;

Fifth, The auditing of all claims against said department for transmission to the common council for allowance;

Sixth, To discharge any officer or employe of said department;

Seventh, The appointment of a city electrician who shall have the custody of the voting machines belonging to the city. And it shall be his duty when said machines are not in use to carefully store the same and protect them from injury; and upon notice from the recorder to place said machines in the proper voting precincts ready for use at least eighteen hours before the time of opening the polls at any election in the city where the use of said machines is authorized. Said electrician shall perform such other duties in relation to his office as said board shall prescribe;

Eighth, To prescribe rules and regulations for the government of said department and the care of the property thereof;

Ninth, Such other powers as the council may from time to time confer upon said board by ordinance.

SEC. 5. The chief engineer, mayor, chief of police, and any officer of the fire department, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property therat. If any person shall wilfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto, he shall be punished in such manner as may be prescribed by the ordinances of the city.

SEC. 6. The council shall provide, by ordinance, for the appointment of, and shall appoint, such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus or devices in or near all the dwellings, buildings and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

SEC. 7. The council may prescribe by ordinance, from time to time, limits or districts within the city within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire,

and the material of which the outer walls and roofs shall be constructed.

**Location of  
shops, explosive  
s, etc.**

SEC. 8. The council may also prohibit, within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances, and the use of lights in buildings; and, generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

**When building  
declared  
nuisance.**

SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

**Compensa-  
tion.**

SEC. 10. The chief engineer, officers, firemen and employes of the department shall receive such compensation as the board of fire commissioners with approval of common council may prescribe; and during their term of service shall be exempt from serving on juries.

**When engin-  
eer may pull  
down building.**

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor.

**Board to re-  
port to  
council.**

SEC. 12. The board of fire commissioners shall, on or before the first Monday of February in each year, report, in detail, to the common council the estimated expenses of the department for the current fiscal year, with such recommendations as to the purchase of new engines, apparatus, material, etc., for the use of the department as in the judgment of the board will be for the best interests of the city and most conducive to the efficiency of the department.

## TITLE XIX.

### BOARD OF PUBLIC WORKS.

**Appointment,  
term, etc.**

SECTION 1. The board of public works of said city shall continue, and the members thereof shall hold office during the term for which they were respectively appointed. The common council, at some regular meeting between the first day of March and the first day of April in each year, shall, on the nomination of the mayor, appoint one member of said board to fill the place of the member whose term shall soonest expire, to hold office for five years. Vacancies occurring in said board shall, in like manner, be filled by appointment by the common council, upon the nomination of the mayor, which shall be for the unexpired portion of the term in which such vacancy

may occur. Every member of said board shall, before entering upon the duties of his office, file with the recorder a written acceptance and oath of office. The term of office of members of said board shall commence at nine o'clock in the forenoon of the first Monday in May in the year of their appointment, except those appointed to fill vacancies, whose term shall commence from the time of filing with the recorder their acceptance and oath of office. The members of said board shall serve without compensation.

SEC. 2. Such board shall annually elect one of its members To elect  
president. president, who shall hold office for one year and until his successor shall be appointed. The recorder, as secretary of said board, shall attend all meetings thereof, and keep a record of its proceedings, which shall be deemed a public record, and shall at all times be open to the inspection of the mayor and members of the common council, and all persons interested therein. Said secretary shall perform such duties in such manner as the said board may direct. Secretary,  
duties.

SEC. 3. No member of said board shall, during his term of office, hold any elective office under the charter of said city. Personal  
interest in  
contracts,  
etc. Nor shall any member be personally interested, directly or indirectly, in any contract for any public improvement in said city, nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement under the control and supervision of said board.

SEC. 4. A majority of said board shall constitute a quorum Quorum. for the transaction of business, but a majority of all the members thereof shall be necessary to decide questions before the board; and the record of the proceedings of the board shall show the vote of each member voting upon any question appropriating money, allowing claims, making or approving contracts, or incurring expenditure in any manner, and whether he voted for or against such question.

SEC. 5. Said board shall have the care and management Care of water  
works. of the water-works as now constructed and as the same may be improved and extended, and of the maintenance and repairs thereof, and shall direct the manner of making connection with water pipes to consumers, and regulate the measuring and ascertain the amount of water furnished.

SEC. 6. Said board shall have the charge and management Sewers, pave-  
ments, wires,  
etc. of the construction, repair and maintenance of all sewers built, or to be built in said city, of the improvement of water courses and the dyking of Grand river; of the erection of public buildings, of the building of bridges, of the construction of pavements, sidewalks and crosswalks, of the graveling, working upon and otherwise improving the public streets, lanes and alleys within said city, of the laying of gas pipes, telephone and telegraph wires and of the making of all other public improvements from time to time ordered by said common council, except as herein otherwise provided.

SEC. 7. Said board shall have the charge of all public Public im-  
provements. improvements, the making of which shall be provided for in the

annual appropriation bill, but said board shall in all respects be bound by the limitations contained in said appropriation bill, as to costs, material and manner of construction, nor shall any such public improvement or repairs be made by said board, unless directions therefor are so contained in said appropriation bill, except as hereinafter provided. Nor shall any indebtedness whatever be incurred by said board beyond the appropriation of the council for that particular purpose. The powers of said board shall however be subject to such proceedings relative to special assessments as are herein otherwise provided for; and shall be further subject to any order or direction of the common council made after the passage of said annual appropriation bill relative to the work, improvement, directions, constructions and repairs therein provided for if regularly adopted by a majority vote of the members elect of said council.

**Powers.**

**Idem.** SEC. 8. Whenever the council shall decide that an exigency exists requiring the construction or repair of any public work or improvement not provided for in the annual appropriation bill and determining that the same is a necessary improvement, and appropriating money therefor under the provisions hereinbefore contained with reference thereto, the said board shall proceed thereon in like manner and shall have power with respect thereto to the like extent as though the directions therefor had been contained in the annual appropriation bill.

**To advertise  
for proposals.**

SEC. 9. Whenever any special assessment to defray the cost of any work or improvement shall have been levied by the council, and the assessment roll placed in the hands of the city treasurer for collection, the said board shall advertise for sealed proposals for making such improvement. Publication shall be made for at least one week in such newspaper or newspapers published in said city, as the board may designate for such proposals which shall include the performance of the necessary labor and furnishing materials therefor: Provided, That if the estimated cost of the improvement shall not exceed one hundred dollars, said board may in its discretion omit to advertise the same and may procure proposals without so doing. In such publication said board shall reserve the right to reject any and all bids.

**Contracts, to  
whom let.**

SEC. 10. The council shall, by resolution direct the said board to enter into a contract with the lowest responsible bidder for the furnishing of material and the performance of the labor necessary for making any public improvement for which bids or proposals have been so reported, and said council may direct the execution of said work for the making of the improvement in any other mode than by contract by the votes of a majority of the members elect of the council.

**How signed.**

SEC. 11. All contracts made by said board shall be in the corporate name of the city and shall be signed by the recorder and countersigned by the president of the board.

**To audit  
claims for  
work, etc.**

SEC. 12. All claims for work done under the supervision of, or expenses incurred by said board shall be audited and reported by it to the common council. Said board may recon-

sider its action upon any such claim at any time prior to its payment, but unless reconsidered the auditing thereof by said board shall be final as to the acceptance of the work or material for which said claim is made, and the council shall order the same paid. Such audit shall not however in any case estop the city from thereafter contesting the sufficiency of the service, labor, material, building, erection or article to comply with any contract under which the same was furnished or in any way to qualify the liability of any contractor upon any warrant expressed or implied governing the furnishing thereof.

SEC. 13. It shall be the duty of the board from time to time to make estimates of the amount earned and payable upon any contract for public work or material connected therewith and report the same to the council, and thereupon it shall be the duty of the council, without unreasonable delay to order payment of the amount so reported.

Make esti-  
mates to  
council.

SEC. 14. Said board shall reserve the right in all contracts to determine finally all questions as to the proper performance of such contracts and as to the completion of the work specified therein, and in the case of a dilatory, improper or imperfect performance thereof to suspend the work at any time, to order the partial or entire reconstruction of the same if imperfectly done, or to relet the work covered by such contract, or any unfinished portion thereof, whenever from unreasonable delay in performing the work or other just cause they shall deem such contract forfeited and power is hereby given said board to determine all such questions arising under any such contract according to the true intent and meaning thereof.

When may  
suspend or  
relet work

SEC. 15. Said board shall make a report to the common council in writing, and oath of the person having charge of the work that has been performed, once in each month, and oftener if required, giving an exact statement of all labor performed by said board or under its supervision and the charge therefor, and the street or place where such material was used or labor performed; and further showing the items and purpose of all expenses incurred since their last preceding report, and no claim for labor or services performed, or for expenses incurred by it shall be audited by said board until reported on oath as aforesaid.

To report to  
council.

SEC. 16. The said board shall on or before the third Monday in February in each year appoint and employ such officers, engineers and laborers as may be necessary to carry into effect the powers and duties herein conferred and imposed, and all officers so appointed shall hold their respective offices at the pleasure of said board.

When to ap-  
point offi-  
cers, etc.

SEC. 17. Said board shall on or before the first Monday in February in each year report to the common council the estimated expense of all officers and employes which by this act they are empowered to appoint or employ. They shall also at the same time report and recommend to said common council the making of such public improvements as in the judg-

Annual  
report.

ment of said board shall be for the best interest of the city and the estimated cost thereof.

## TITLE XX.

### MISCELLANEOUS.

**Process  
against city.**

SECTION 1. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor or recorder.

**Plat, etc.,  
when ap-  
proved by  
council.**

SEC. 2. No plat and dedication of any street and public grounds within the city shall be approved by the council until the proprietor thereof shall file with the recorder a correct survey, plan and map of such grounds, and the divisions thereof, showing the relative position and location of lots, streets and alleys (with respect to the adjacent lots, streets and alleys) of the city; nor shall any such plan and map, divided and platted into lots, streets and alleys, be recorded in the office of register of deeds for said county of Jackson until the survey, plan and map aforesaid is filed with the recorder; nor shall such map be approved by the council unless the dedication of the streets thereon shall be such as to vest in said city absolute control over streets; and such approval and acceptance by said council shall be by ordinance or resolution.

**Repealing  
clause.**

SEC. 3. All acts or parts of acts contravening the provisions of this act, or inconsistent herewith, are hereby repealed: Provided. This act shall not invalidate any legal act done by the mayor, recorder and aldermen of the city of Jackson, or by the common council, or any officer of said city. All ordinances, by-laws, regulations, resolutions and rules of the common council of the city of Jackson, now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council under this act, and after the same shall take effect. All property, real and personal, and rights of property in law or in equity, and all debts, fines, penalties, forfeitures, rights and causes of action which belong, have accrued or may accrue to said city of Jackson, shall be fully and absolutely vested in the said city of Jackson, to be held subject to the provisions hereof, and may be prosecuted for, recovered, claimed, and maintained by said city of Jackson, in its own name, or in any other lawful manner. All writs, prosecutions, actions and causes of action now in suit or instituted by or against or in behalf of the city of Jackson, shall continue and may be prosecuted to the end thereof, to the same effect as if this act had not been passed; and said city of Jackson shall pay and discharge all the debts, obligations, contracts and liabilities of the city of Jackson.

**Wrts, actions,  
etc., to  
continue.**

This act is ordered to take immediate effect.

Approved June 10, 1903.

[No. 524.]

AN ACT to amend section six of chapter five, and all of chapter twenty-six, of act number four hundred forty-two, of the Local Acts of eighteen hundred ninety-seven, entitled "An act to revise the charter of West Bay City and to repeal all acts or parts of acts inconsistent therewith," approved May twenty-six, eighteen hundred ninety-seven, as amended by act number three hundred fifty-three of the Local Acts of eighteen hundred ninety-nine, approved April twelfth, eighteen hundred ninety-nine.

*The People of the State of Michigan enact:*

SECTION 1. Section six of chapter five, and all of chapter twenty-six, of act number four hundred forty-two of the Local Acts of eighteen hundred ninety-seven, entitled "An act to revise the charter of West Bay City and to repeal all acts or parts of acts inconsistent therewith," approved May twenty-sixth, eighteen hundred ninety-seven, as amended by act number three hundred fifty-three of the Local Acts of eighteen hundred ninety-nine, approved April twelfth, eighteen hundred ninety-nine, are hereby amended so as to read as follows:

Sections amended.

## CHAPTER V.

SEC. 6. The mayor, city treasurer, comptroller, city clerk, and all the supervisors shall each hold their offices for a term of two years from the second Monday in April of the year when elected, and until their successors are elected and duly qualified, and enter upon the duties of their respective office. Constables shall hold their office for a period of one year, from and after the second Monday in April, of the year when elected, and until their successors are elected and qualified and enter upon the duties of their office.

Term of certain officers.

## CHAPTER XXVI.

SECTION 1. The city council of said city are hereby authorized and empowered, to purchase, sell, convey or construct new, and to maintain, repair and extend existing water-works, for the introduction of pure water into the city, supplying the city and vicinity and the inhabitants thereof with such water, for use in extinguishing fires and for such other ordinary and extraordinary purposes as the council may prescribe or the public good may require.

Council may construct water works.

SEC. 2. The council may acquire, purchase, erect and maintain, either within or without the city, such reservoirs, canals, aqueducts, sluices, buildings, engines, water-wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such real estate, rights and privileges,

May maintain reservoirs, etc.

either within or without the city, as may be necessary in the opinion of the council for the securing, construction, extensions or maintenance of such water-works.

Amount may borrow for.

SEC. 3. It shall be lawful for the city to borrow any sum of money not exceeding three per cent of the assessed value of the property in the city as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing or extending water-works, as provided in the two preceding sections. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed five per cent per annum and such bonds shall not be sold for less than their par value: Provided, That the total amount expended for constructing, purchasing or extending such water-works shall not exceed the amount of the estimate of expense provided for in section four of this chapter.

Question to be submitted to electors.

SEC. 4. Before any money shall be borrowed, appropriated, raised or expended for the purchase, construction or extension of water-works, either within or without the city, the council shall cause to be made an estimate of the expense thereof and the question of raising the amount required for such purposes shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act and shall be determined as a majority of the electors voting, at such election, by ballot, shall decide: Provided however, That after water-works have been purchased or constructed by the city, the council may then raise and expend, in making repairs or alterations, or in extending such water-works, such sum as in the opinion of the council shall be necessary, without submitting the question to the electors of the city but the sum to be raised for such purpose shall be included in and shall not increase the total amount which the council may raise for such water-works, which altogether shall not exceed one per cent upon the assessed valuation of the property in the city as shown by the last preceding assessment roll.

Expense of connecting pipes, by whom paid.

SEC. 5. The connecting or supplying pipes leading from buildings or lots to the distributing pipes, shall be inserted and kept in repair, at the expense of the owner or occupant of the building or lot or premises, and shall not be inserted or connected with the main pipe until a permit thereof shall be obtained from the council. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by the council.

Council to have control of works.

SEC. 6. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the water-works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter and the powers herein conferred

in respect to the construction, management and control of such water-works.

SEC. 7. Whenever the water-works system, or any part thereof, shall be constructed or operated outside of the corporate limits of the city, the council shall have authority to enforce beyond the corporate limits of the city, and within the county of Bay, and over any and all buildings, machinery or other property belonging to or connected with such water-works, in the same manner and to the same extent as if they, or it, were within the city, all such ordinances, rules and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

SEC. 8. For the purpose of operating, constructing and maintaining or extending such water-works, the city shall have the right to lay conduit pipes, aqueducts or other necessary works, over or under any water course, or under and along any street, alley, lane, turnpike road, railroad or other public highway, but not in such a manner as to obstruct the same or impede or prevent travel thereon; and the city authorities may at all times enter upon and dig up such street, alley, road or other public highway or lay pipes therein, or to construct works beneath or above the surface thereof, but they shall at all times cause the surface of such streets, alleys, roads or other public highways to be relaid and restore to its usual state, and such right shall be continuous for the purposes of repairing and relaying water pipes or for other work in connection with such water-works, and the electric light works if run in connection with the water-works system, upon like conditions.

SEC. 9. Whenever it shall be necessary, in the judgment of the city council, to appropriate private property, either within or without the corporate limits of the city, for the construction, extension, maintenance or operation of the water-works system, it may proceed to acquire the same, either by purchase, or in the manner provided in this act, or in the general laws of the State, for taking private property for public use.

SEC. 10. The council may contract from year to year, or for a period of time not exceeding ten years, with any person, persons, or corporation for the supplying of the city and the inhabitants thereof with water, upon such terms and conditions, as may be agreed, and may grant to such person, persons or corporation, the right to the use of the streets, alleys, roads, public highways or other public grounds as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of water for the use of the city and the inhabitants thereof upon such terms and conditions as shall be specified in such contract.

SEC. 11. The city council shall annually, between the first day of May and the first day of June, cause to be prepared a complete assessment roll of the rates to be paid by the owners or occupants of each house, building or premises, having or using water, upon such basis as it shall deem equitable and just, and shall file the same with the city treasurer for

When payable.	collection; all water rates shall be due and payable three months in advance, payable the first days of January, April, July and October of each year, as per the above assessment, and prior to the time such rate shall become due and payable, the city clerk shall issue or cause to be issued to every owner or occupant of any house, building or premises having or using water, a notice that the rate has been fixed at a certain price, naming it, when the same will become due, and that the water will be shut off unless such rates are paid on or before the fifteenth day of January, April, July or October, as the case may be, following such notice. All water rates or assessments when fixed and determined as herein provided, shall at once become a lien upon the house, building or structure and upon the lot or premises whereon the same may be situated and any and all unpaid water rates shall be certified by the city clerk to the city comptroller, who shall extend the same in a separate column on the city tax roll to be extended in the same manner as are taxes for special improvements: Provided, That before such rates are certified by the clerk to the comptroller the city clerk shall mail a notice to the owner of such delinquent water rate property, stating the amount due and demanding payment of same. The city council may provide for a system of water meters and determine the rates to be paid in such cases, and when meters shall be provided for, then the assessment of rates herein provided for shall not be applicable to any house, building or premises using such meter; the rates or assessments for metered water shall be determined annually and shall become a lien in the same manner and to the same extent as herein provided for water used without meter. The council shall have the right to provide, by ordinance, for additional rules and regulations as to the collection of water rates, metered or otherwise, by suit at law, by assessing the same upon the premises or otherwise, as deemed advisable by the council.
To become lien on property.	
Proviso.	
Council may provide for meters.	
Council to appoint superintendent, etc.	SEC. 12. The city council may appoint a superintendent of the water department and as many and such assistants as in its judgment may be necessary for the efficient management of the water-works; one chief engineer and as many assistants as may be necessary, and such other officers, agents, and employes as may be necessary for the proper and efficient management of the water-works system, all of whom shall hold their respective positions during good behavior and whose salaries shall be fixed and determined by the said council. All such officers now in office shall remain in such office during the term for which they were elected or appointed.
When council to let contract for improvements.	SEC. 13. Whenever the expense of constructing, extending or repairing such water-works, or the electric light works, or any other public utilities, or public improvements, or public works shall not exceed the sum of three hundred dollars, the work may be done by the council in such manner as they may deem proper; but whenever such expense shall exceed the sum of three hundred dollars, the council shall advertise for sealed proposals and shall give such notice as it may direct, and

shall let the contract to the lowest responsible bidder who shall be deemed competent to do the work and give adequate security for the performance thereof, which contract and security shall be approved by the council. The council shall have the right to reject any and all bids, and to re-advertise, or they may, if they shall determine by a vote of a majority of all the aldermen elect, that the bid of the lowest responsible bidder is unreasonably high, direct and cause such improvement to be made and shall purchase necessary materials and cause to be done everything necessary in making and completing such improvement.

SEC. 14. If any person shall wilfully do or cause to be done any act whereby any work, materials or property whatsoever, erected or used in the city or belonging to the city, for the purpose of procuring or keeping the supply of water, shall in any manner be injured, or if any person shall wilfully pollute the water supply of the city, or if any person shall perforate or bore or cause to be perforated or bored, without the consent of the council, any distributing pipe, or main, lateral or log belonging to the water works of the city, or make or cause to be made any connection or communication whatever with said pipes, or break or in any way injure the same, such person or persons shall be deemed guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the Bay county jail not exceeding three months, or by both such fine or imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 10, 1903.

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[No. 525.]

AN ACT to authorize the construction and maintenance of so much of a dam as may be within the limits of the State of Michigan, to be located on certain lands in the county of Dickinson and State of Michigan, and extending thereon and therefrom, in and across the Menominee river, to and upon certain lands in the county of Marinette and State of Wisconsin.

*The People of the State of Michigan enact:*

SECTION 1. Subject to the consent thereto of Menominee River Boom Company, as hereinafter provided. Powell Stackhouse of Philadelphia, Pennsylvania, his associates and their heirs and assigns, are hereby authorized and empowered to construct and maintain so much of a dam as may be within the limits of the State of Michigan, to be located on lot three of section twenty-seven in township thirty-nine north, range

Where and by  
whom dam to  
be con-  
structed.

twenty-nine west, in the county of Dickinson and State of Michigan, and extending thereon and therefrom in and across the Menominee river, to and upon lot two or lot three, or partly on lot two and partly on lot three, of section twenty-two, in township thirty-eight north, range twenty-one east, in the county of Marinette and State of Wisconsin, and to make use of the hydraulic power furnished by said dam as he or they may, from time to time, see fit. The aforesaid persons, their heirs or assigns, shall build a suitable slide or chute in said dam, of sufficient width for running logs and other products of the forest, and shall keep said slide or chute in repair.

To obtain  
consent of  
certain  
company.

SEC. 2. Before proceeding to construct said dam, and as a condition of constructing the same, said Powell Stackhouse, his associates, and their heirs and assigns, shall obtain the consent thereto of the Menominee River Boom Company, a corporation under the laws of Wisconsin and Michigan. Such consent shall be evidenced and authenticated by a certificate in writing, in duplicate, signed by the president and secretary of said company, and sealed with its corporate seal, stating the fact of such consent, and the date when the same was given. One of such certificates shall be filed and recorded in the office of the register of deeds of the county of Marinette and State of Wisconsin and the other shall be filed and recorded in the office of the register of deeds of the county of Dickinson and State of Michigan.

Who to own  
and control  
dam.

SEC. 3. Said Powell Stackhouse, his associates, their heirs and assigns, shall erect and maintain above said dam in said Menominee river, such piers, booms, structures and other appliances as may be necessary for the passage of logs and other forest products over said dam and through said slide or chute to be provided therefor. Said dam and the slide or chute and gates of the same, and said booms, piers, structures and other appliances shall belong to the said Powell Stackhouse and his associates, their heirs and assigns, and be under their control, subject always to the provisions of this act relative to the running and driving of logs and other forest products over said dam, and to the supervisory control of the said Menominee River Boom Company, so far as it may be necessary or expedient in the conduct of its business, and in the exercise of its rights and franchises on said river. Said slide or chute in said dam shall be kept open and available at all times when there are logs or other forest products ready to be run over said dam. And said slide or chute, and the gates, booms, piers, structures and other appliances aforesaid, shall be so maintained and used by said Powell Stackhouse, his associates, their heirs or assigns, as not to unnecessarily obstruct, hinder or delay the navigation and use of said Menominee river for the driving of logs and other forest products therein.

Chute to be  
kept open.

SEC. 4. Said dam so erected shall be provided with a fish ladder or fishway, good and sufficient to admit of the free and uninterrupted passage of fish up and down said dam at all

To be pro-  
vided with  
fish ladder.

times, and said fish ladder or fishway shall at all times be kept in good repair. In case the owner or owners of said dam shall neglect or refuse to construct or keep in repair, or keep open said fish ladder or fishway, he or they shall be deemed guilty of a misdemeanor, and for each and every thirty days that such owner or owners shall neglect or refuse to comply with the provisions of this act, respecting said fish ladder or fishway, he or they shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court: Provided, That the erection in said dam, and the keeping of the same in good repair, of a fish ladder or fishway having the approval of either the Board of Fish Commissioners of the State of Michigan, or of the State Board of Commissioners of Fisheries of the State of Wisconsin, shall be deemed a compliance with the provisions of this act respecting said fish ladder and fishway. Proviso.

This act is ordered to take immediate effect.

Became a law June 12, 1903, without the signature of the Governor.

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[No. 526.]

AN ACT to authorize and empower the village of Highland Park, in the county of Wayne, to extend its system of water works and to issue bonds for the payment thereof.

*The People of the State of Michigan enact:*

SECTION 1. The village of Highland Park is hereby authorized and empowered to extend its system of water works at a cost not to exceed twenty thousand dollars; and said village is further authorized and empowered to issue bonds to pay for such extension work. Said bonds shall be due and payable in twenty years from the date of issue and shall draw interest at the rate to be fixed by the village council but not to exceed four and one-half per cent interest per annum, payable annually or semi-annually as the village may direct: Provided, That said bonds shall not be sold for less than par value. Bond issue  
for, by village. Proviso.

SEC. 2. Before any work shall be done or bonds issued, as herein provided, the village council shall in each year determine by resolution the amount proposed to be expended in such extension work and thereupon there shall be submitted to a vote of the electors of said village at any general or special election, as the council may determine, the question "Shall the village issue \$..... in bonds for the purpose of water works extension?" If on such vote on the question proposed, a majority of the voters vote "Yes," the work proposed may be done and the bonds issued, otherwise, the work

Question to  
be submitted  
to electors.

**Proviso.** shall not be done and the bonds shall not be issued in such year: Provided, That if on the submission of such a proposition in any year such proposition does not receive a majority of affirmative votes, a second proposition may be submitted in the same year specifying a less amount to be expended in the same manner and with like effect as herein provided for the first proposition.

**Extensions, how governed.** SEC. 3. Said water works extensions when constructed and said bonds when issued shall be governed in all respects as provided in chapter eleven of act number three of the Public Acts of eighteen ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," except as herein otherwise directed.

This act is ordered to take immediate effect.

Approved June 16, 1903.

[No. 527.]

**AN ACT** authorizing the spreading and collecting of a tax against certain lands of Lansing township for the construction and maintenance of an enclosed sewer or drain in the city of Lansing, in and along a certain water course in said city, commonly known as Weinman's creek, in proportion to the benefits accruing to said property owners by reason of drainage through said sewer or drain and benefits to the public health.

*The People of the State of Michigan enact:*

**Tax may be levied for, in township.**

SECTION 1. A tax may be levied for the construction and maintenance of an enclosed sewer or drain in the city of Lansing, in and along a certain water course, commonly known as Weinman's creek, against all the lands deemed to be benefited thereby, situated in the township of Lansing in proportion to the several benefits accruing to it by reason of drainage through said sewer or drain, and benefits to the public health. A tax for the construction and maintenance of said sewer of the city of Lansing shall be assessed and collected in the manner provided by the charter of the city of Lansing for the assessment and collection of taxes for public improvements:

**How levied in city.**

**Proviso.**

Provided, That any one of the resident taxpayers of this city owning property in the district wherein said sewer shall be constructed, and liable for taxation for such sewer, may, prior to the order of the common council directing the mayor to attach his warrant to such tax roll for the collection of such taxes, petition the common council for an extension of the time of payment of such taxes. It shall be within the power of the common council by resolution, to extend pay-

**Council may extend time of payment.**

ment as follows: One-fifth shall be levied by the assessors of said city upon the next succeeding tax roll, one-fifth in one year, one-fifth in two years, one-fifth in three years and one-fifth in four years thereafter, and such taxes, together with the interest at the rate of six per cent per annum thereon, shall be collected by the treasurer of the city upon warrants of the mayor in the manner provided for the collection of taxes in the charter of the city of Lansing for public improvements.

SEC. 2. The county drain commissioner shall apportion the <sup>Who to appor-</sup> <sub>tion benefits.</sub> per cent of benefits to accrue to any piece or parcel of land situated in said township by reason of said drainage through said sewer or benefit to the public health, convenience or welfare, which per cent of benefits shall be apportioned upon and assessed against the lands benefited according to such assessment of benefit.

SEC. 3. The county drain commissioner shall, after having <sup>To give notice</sup> <sub>of assess-</sub> determined the lands benefited by said drain and the per cent <sup>ment.</sup> to be assessed against each, give at least ten days' notice of such determination to all persons whose lands are affected by such assessment, which notice shall contain a description of the several lands comprising the special assessment district, the time and place when he will hear objections, if any, to said determination and benefit and tax district. The time for review shall be held open from nine o'clock a. m. until five o'clock p. m. At such review, the county drain commissioner <sup>When to</sup> <sub>review.</sub> shall hear the proofs and allegations of all parties in interest and shall carefully reconsider and review the descriptions of land comprised within the special assessment district, the several descriptions assessed, and on the assessments and benefits, to divide and equalize the same as may seem just and equitable: Provided, That all extra expense for making said <sup>Proviso.</sup> drain a covered one and the keeping and maintaining the same as a covered drain shall be borne by and assessed to the city of Lansing and the persons owning property therein, and none of such extra expense shall be borne by or assessed to the township of Lansing or any property owner in the said township: Provided further, That should the course of said <sup>Further</sup> <sub>proviso.</sub> drain be changed in the city of Lansing no expense in the change thereof shall be borne by or assessed to the township of Lansing or any property owner thereof, but the same shall be borne by and assessed to the city of Lansing and the property owners therein; all assessments to said township of Lansing and the property owners thereof for the benefits received by reason of said drain shall be on the basis of an open drain only.

SEC. 4. When the county drain commissioner shall have <sup>When super-</sup> <sub>visor to</sub> <sup>visor to</sup> <sub>spread taxes,</sub> finally determined the per cent of benefits and the property against which it shall be assessed, the supervisor of said township shall cause the same to be spread on the next regular tax roll which shall be assessed and collected in the manner provided for the collection of taxes. The treasurer of said

township shall, immediately after collecting said tax, turn over the same to the treasurer of the city of Lansing who shall apply the same to the fund from which the cost of the construction of said sewer or drain was charged.

Owner may appeal to probate court.

SEC. 5. The owner of any land assessed the per cent of any benefits for the construction of said drain, who may feel himself aggrieved by the assessment of the county drain commissioner, may appeal therefrom, and for such purpose make an application to the probate court for the county of Ingham for the appointment of a board of review, as hereinafter provided, by filing with said probate court a notice to that effect and by filing also a bond with such court in the sum of two hundred dollars with one or more sureties to be approved by the judge of probate, conditioned upon the payment of all costs in case the assessment made by the county drain commissioner shall be sustained.

Court to appoint board of review.

SEC. 6. The probate court, upon receipt of any such application as hereinbefore provided, shall forthwith notify the county drain commissioner in writing of such appeal and shall thereupon make an order appointing three disinterested and competent freeholders of such county, not residents of such township or city, as members of the board of review. The persons so appointed, shall constitute the board of review. The court shall thereupon, with the concurrence of the county drain commissioner, immediately fix a time and place when and where said board of review shall meet to review said assessment, which time shall not be less than ten or more than fifteen days from the date of filing such appeal. The county drain commissioner shall thereupon give notice to the persons so appointed, of their appointment and the time and place of meeting, and shall give notice of such meeting by posting notices in at least five public places in said township and city, and shall serve a like notice upon the appellant. Such notice shall be made not less than five days before the day of hearing and may be made either by personal service or causing a copy thereof to be left at the several places of residence. Proof of service of notice of appeal shall be made by the persons serving said notice and by the filing in the office of the judge of probate. At such hearing, the board of review shall have the right and it shall be their duty to review all assessments made by the county drain commissioner on such drain. The persons so appointed, shall be sworn by the county drain commissioner to faithfully discharge the duties of such board of review.

Notice of meeting of board.

SEC. 7. The board of review shall proceed at the time and place specified in the notice, to hear the proofs and allegations of all the parties in respect to the matter of appeal and shall thereupon proceed to view the lands benefited by such drain and review all the assessments made by the county drain commissioner on such drain and if in their judgment there be manifest error or inequality in such assessment, they shall order and make such change as they may deem just and

Powers and duties of board.

equitable. In case the assessment of the county drain commissioner shall be sustained by such board of review, the appellant shall pay the whole cost and expense of such appeal. Such costs and expenses shall be ascertained and determined by the judge of probate and if not paid, the appellant shall be liable on his bond for the full amount of such cost in an action at law to be brought by the county drain commissioner on the bond before any court having competent jurisdiction.

SEC. 8. Should any or all of the persons so appointed as a board of review, neglect or refuse to serve or be unable to act, the county drain commissioner shall adjourn the hearing for a sufficient length of time, not exceeding in all ten days, to enable him to apply to the probate court for the appointment of other persons to act as such board of review and shall make public announcement of the time and place of such adjournment. The review shall thereupon be deemed a continuous proceeding and no formal notice shall be required. The probate court shall, upon the showing being made that either any or all the persons appointed as aforesaid, of the neglect, refusal, or were unable to act, as the case may be, and of the adjournment day of meeting, at once by an order appointing such other person or persons of like qualifications as members to fill such vacancy, and the county drain commissioner shall notify such person or persons so appointed to fill such vacancy, of his appointment and of the adjournment day of meeting. The person so appointed, shall have the same power and perform the same duties as are herein provided for a board of review in the first instance. The person acting as such board of review, shall receive the sum of three dollars per day actually and necessarily spent in the discharge of their duties as such member of the board of review.

Vacancies,  
how filled.

Compensa-  
tion.

This act is ordered to take immediate effect.

Approved June 16, 1903.

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[No. 528.]

AN ACT to amend section one of act number four hundred thirty-three of the Local Acts of nineteen hundred one, entitled "An act to authorize the making of special assessments to pay for the construction of drains and sewers in the village of Highland Park, in the county of Wayne."

*The People of the State of Michigan enact:*

SECTION 1. Section one of act number four hundred thirty-three of the Local Acts of nineteen hundred one, entitled "An act to authorize the making of special assessments to pay for the construction of drains and sewers in the village of Highland Park, in the county of Wayne," is amended so as to read as follows:

Section  
amended.

Powers of  
village rela-  
tive to  
assessments.

**SECTION 1.** The village council of Highland Park may create special assessment districts and raise, by special assessment therein, in the manner provided in chapter eight of act number three of the Public Acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," and the amendments thereto, for street paving assessments, such sums as it may deem necessary for the purpose of paying for the construction of drains and sewers:

Proviso as to  
amount.

Provided, In no case shall the whole amount to be levied by special assessments upon any lot or premises for the construction of such drain or sewer exceed twenty-five per cent of the value of such lot or premises as valued and assessed in the last preceding tax roll: Provided further, That the council shall in all cases advertise for bids for the construction of proposed drains and sewers and shall in no case award bids,

Proviso as to  
advertising.

except to the lowest responsible bidder: And further provided, That the powers herein granted shall not be exercised by the council except upon petition, duly signed, of a majority of the owners of the property frontage therein, meaning thereby that each owner, whether resident or non-resident and no matter how many feet frontage or parcels of land he may own, shall count one and one only in such petition, except that where more than one person is represented in the ownership of a parcel or parcels of land the owners collectively shall count one in said petition: Provided, That in proposed districts where there are twelve or more dwelling houses the council may act on the petition of the owners of twelve dwelling houses: Provided further, That the word "owner," as used in the act, in cases where the premises are sold and purchased and held on a contract commonly known as a land contract, shall mean that the vendee in such contract shall be regarded as the owner to the exclusion of the vendor.

Proviso.

This act is ordered to take immediate effect.

Further  
proviso.

Approved June 16, 1903.

[ No. 529.]

**AN ACT** to authorize the townships of Empire and Glen Arbor, in the county of Leelanau, to borrow money and issue bonds therefor, for the purpose of building a bridge across the Narrows of Glen Lake, on the line dividing the said townships, and to provide for the payment of the principal and interest on said bonds.

*The People of the State of Michigan enact:*

Township  
boards may  
borrow  
money.

**SECTION 1.** The township boards of the townships of Empire and Glen Arbor, in Leelanau county, are, each for itself, hereby authorized and empowered to borrow not exceeding three thousand dollars, on the faith and credit of said town-

ships, and issue bonds therefor; said moneys to be used in the building of a bridge across the Narrows of Glen Lake, on the line dividing the two townships, and also on the line of the "Manistee and Leland State road." The sum of three thousand dollars hereby authorized to be borrowed by each of the said townships, shall be due and payable in ten years from the date thereof, together with interest at a rate not to exceed six per cent per annum.

SEC. 2. Such money shall not be borrowed nor such bonds issued, unless a majority of the qualified electors of each of said townships of Empire and Glen Arbor, voting at special township meetings in said townships, to be called or ordered by the respective township boards of said townships at any time after the taking effect of this act, shall vote in favor of said proposition; and the said township boards are hereby authorized and empowered to submit the question of said loan to the qualified electors of said townships, each for itself, at such special township meetings, giving due notice thereof, by causing the date, place of voting and object of said elections to be stated in printed or written notices, posted in at least five public places in each of said townships, not less than twelve days prior to said elections, which notices shall state the amount of money proposed to be borrowed.

SEC. 3. The proposition of issuing the said bonds provided for in section one of this act, shall be submitted to the electors by ballot, which ballot shall be written or printed, or partly written and partly printed, and in the following form:

For the Glen Lake Narrows bridge loan—Yes. [ ]

For the Glen Lake Narrows bridge loan—No. [ ]

Said vote shall be canvassed in the same manner as the votes cast at township meetings, and if, upon the canvassing of said vote, it shall be found that a majority of the electors voting upon such proposition have voted in favor of the same, the township boards shall be authorized to issue the bonds of their respective townships as provided in the first section of this act.

SEC. 4. It shall be the duty of the township boards of said townships of Empire and Glen Arbor, to raise by tax upon the taxable property of the said townships, in each of the years following the making of the loan provided for by this act, in addition to the other taxes authorized by law to be assessed and collected in the said townships, an amount sufficient to pay one-tenth of the principal obligation and the interest on the amount unpaid.

SEC. 5. It is hereby made the duty of the township boards of said townships of Empire and Glen Arbor to issue to their respective township treasurers, definite orders for the payment of the several installments of the interest on the loan in this act provided for, as the same shall become due, and for the creation and proper care and security of a sinking fund to be constituted from the sums to be raised annually

therefor, the same being one-tenth of the total sum authorized to be borrowed; and it shall be lawful for the township boards to borrow from the contingent fund of their townships such amounts as may be necessary to make up for any shortage in the collections on account of the bridge loan interest tax arising from delinquent taxes in any year.

This act is ordered to take immediate effect.

Approved June 16, 1903.

[No. 530.]

**AN ACT** to authorize the village of Lawrence, Van Buren county, Michigan, to borrow money and issue bonds therefor, the proceeds of which are to be used to enable said village to erect a water works and lighting plant, to the amount of fifteen thousand dollars.

*The People of the State of Michigan enact:*

**Bond issue by village.** SECTION 1. The village of Lawrence, Van Buren county, shall be and is hereby authorized to borrow money on the faith and credit of said village, and issue bonds therefor to an amount not to exceed fifteen thousand dollars, for the purpose of erecting a water works and lighting plant in said village: Provided, That two-thirds of the electors of said village voting at an election as hereinafter provided shall vote in favor of said loan in the manner specified in this act and not otherwise.

**Question to be submitted to electors.** SEC. 2. The question of raising the said money and issuing such bonds shall be submitted by the village board of said village to the electors thereof, at any regular annual election or on filing with the said board of a petition signed by not less than twelve electors of said village asking that an election be held by virtue of this act for the purpose herein specified and stating the amount desired to be borrowed for the purposes aforesaid. On receiving the said petition the said village board shall call a special election and the vote shall be taken as near as may be in accordance with the provisions of the statutes for holding special elections for the purpose of raising money by bonding villages. The proceedings at such special election shall be the same as at general elections held within said township, except that those electors voting for said loan shall have written or printed on their ballots the words: "For the loan of fifteen thousand dollars for a water works and lighting plant," and those voting against the loan shall have written or printed on their ballots the words: "Against the loan of fifteen thousand dollars for a water works and lighting plant."

**Election, how conducted.**

SEC. 3. If said loan shall be authorized by two thirds of the electors voting at such election, said bonds may be issued in such sums not exceeding the amount authorized by such election, and payable at such times with such rates of interest, not exceeding six per cent per annum, as said village board shall direct, and shall be signed by the president of said village and countersigned by the clerk of said village, and negotiated by and under the direction of said village board, and the moneys raised therefrom shall be applied, in such manner as the village board shall determine, to the erection and building of a water works and lighting plant in said village. And the said village board shall have the power and it shall be their duty to raise by taxes upon the taxable property of said village such sums as shall be sufficient to pay the amount of said bonds and the interest thereon from time to time as the same shall become due.

Relative to  
issuance, pay-  
ment, etc.,  
of bonds.

This act is ordered to take immediate effect.

Approved June 16, 1903.

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[No. 531.]

AN ACT to provide for the collection of assessments for public improvements within the city of Grand Rapids, on real estate belonging to steam railroad or railway corporations or companies, necessarily used in the operation of such roads within the city of Grand Rapids.

*The People of the State of Michigan enact:*

SECTION 1. That freight houses, road-beds, rights of way and other premises belonging to any steam railroad or railway corporation or company, within the corporate limits of said city of Grand Rapids, which are necessarily used in the operating of the respective franchises of the owners of said railroads, are liable for all valid unpaid special assessments for public improvements hereafter made within the city of Grand Rapids and assessed against the same, but that no lien shall attach thereon on account of such assessments, and that the payment of such assessments shall not be enforced and collected out of the same, and that assessments of such classes of property shall be made in the same manner as the assessments of other property under the charter of said city, for special improvements, and that the assessment roll for such special taxes shall be *prima facie* evidence in any court, of the regularity of all proceedings leading up to the assessment and the making of said roll.

Certain prop-  
erty subject  
to assessment  
for improve-  
ments.

SEC. 2. All special assessments made as aforesaid, against property of said railroad companies for public improvements and all installments thereof, together with all interest, costs

Assessments  
to constitute  
lien.

**How collected, etc.**

and charges thereon, for enforcing the collection of the same, are hereby made and declared legal demands against each and every of said railroad or railway corporations or companies, against whose property said assessments are made, in favor of said city of Grand Rapids, and if any of said railroad or railway corporations or companies shall fail to make payment thereof, within the time payment is required of such special assessments upon the roll on which they are extended, then the city of Grand Rapids may institute an action in assumpsit, or other proper legal action in any court of competent jurisdiction, and if judgment be rendered thereon in favor of said city of Grand Rapids, the same may be collected on execution out of any property of said railroad or railway corporations or companies, liable to levy and sale on execution.

This act is ordered to take immediate effect.

Approved June 16, 1903.

[No. 532.]

**AN ACT to prevent the pollution of the water of Grand River above the city of Grand Rapids, to provide a system for disposing of certain sewage now emptied therein, and to make appropriation therefor.**

*The People of the State of Michigan enact:*

**Unlawful to pollute waters of certain parts of Grand river.**

**SECTION 1.** No sewage, drainage, domestic or factory refuse or other polluting matter of any kind whatsoever, which either by itself, or in connection with other matter, will corrupt the quality of the water of Grand River for domestic use, or which will render such water injurious to health, shall be placed in or discharged, or suffer to be discharged, into the waters of Grand River, or of any brook, stream or branch thereof, or placed upon the ice thereof, or placed or suffered to remain upon or near the banks thereof, at any point along Grand River between the city of Grand Rapids and the mouth of the Thornapple River, or at any point along such brook, stream or branch thereof, and within twelve miles from the intake pipe of said city, measured along the river and such branch.

**Not to apply to Soldiers' home until installation of new system.**

**SEC. 2.** The provisions of this act shall not apply to the Michigan Soldiers' Home until there is installed at the said home, a system for disposing of the sewage equal to or superior to the system now in use. The common council of the city of Grand Rapids, may upon the passage of this act procure and submit plans and specifications of proposed changes in the said system to the Michigan Soldiers' Home board. The said board shall upon receiving the said plans, thoroughly examine same and if in its discretion it shall de-

termine that the said proposed change shall be equal to or superior to the present system, it may adopt such plans and notify the said common council of its action. As soon as the plans and specifications for the proposed system have been accepted by the said board, the said city of Grand Rapids may take the necessary steps to cause all such changes to be made in accordance therewith, but under the control and direction of the said Michigan Soldiers' Home board. No more than one-half of the cost of installing such system shall be paid from such sum as is herein appropriated and the remainder of the cost shall be paid by the said city; but in no case shall the State be liable for an amount in excess of the said sum appropriated. In order to install said system, it shall be lawful for the duly authorized officers or agents of said city to enter upon the premises of the said home, and when all changes have been completed in accordance with said plans, it shall be the duty of the common council of said city to notify the said board, which is hereby given authority to accept same for and in behalf of the State. There is hereby appropriated from the general fund the sum of five thousand dollars, which sum or any part thereof shall be used in order to carry out the provisions of this act. After the system of sewerage decided upon has been installed in the said home and accepted by the said board, the sum for which the State shall be liable shall be paid by the State Treasurer, upon the warrant of the Auditor General.

SEC. 3. This act shall take general effect immediately: Provided however, That any persons, corporations or institutions which have been and now are discharging impure substances or sewage into such streams, in carrying on their regular business, or institutions, shall have reasonable time, not later than January first, nineteen hundred four, to provide other discharge or disposition of such sewage or impure matter before they shall be subject to the provisions of this act.

SEC. 4. This act shall not apply to the fertilizing of farm or garden lands in the ordinary way.

SEC. 5. In case of any violation of the provisions of section one, the city of Grand Rapids may proceed by injunction or otherwise to enforce such provision, and the circuit court for the county of Kent, in chancery, shall have jurisdiction to hear and determine such controversy, and make and enforce such order and decree as shall be necessary to make the provisions of this act effective.

Approved June 16, 1903.

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[No. 533.]

**AN ACT** to amend section three of chapter one of act number three hundred ninety of the Local Acts of eighteen hundred eighty-five, and the amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred eighty-five.

*The People of the State of Michigan enact:*

**Section amended.**

**SECTION 1.** Section three of chapter one of act number three hundred ninety of the Local Acts of eighteen hundred eighty-five, and the amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeen, eighteen hundred eighty-five, is hereby amended to read as follows:

## CHAPTER ONE.

**Territory  
city to con-  
tain.**

**SEC. 3.** The territorial limits of said city shall consist of all that tract of country in the county of St. Clair, bounded and described as follows, to wit: Commencing at a point in the national boundary line at St. Clair river where the same would be intersected by the section line projected between sections twenty-one and twenty-eight in town six north, range seventeen east, thence running westerly along said section line to the east line of the highway known as River Road, thence north along said east line to the north line of the highway between said sections; thence running westerly along the north line of said highway to its intersection with the east line of the highway running northerly along the section line between sections twenty and twenty-one, thence north along said east line of highway to the south line of Goulden street according to Factory Land Company Plat number one; thence east along the said south line of Goulden street to the west line of Twenty-eighth street according to said plat, thence south along the west line of said Twenty-eighth street to the south line of Conner street according to said plat, thence easterly along the south line of said Conner street to the west line of Electric avenue, according to said plat, thence north along said west line of Electric avenue to its connection with the west line of Twenty-fourth street, thence north along the west line of Twenty-fourth street to the north line of Moak street, according to said plat, thence west along the north line of Moak street to the east line of said highway known as Thirty-second street and running north between sections twenty and twenty-one, thence north along said east line to the south line of highway known as Dove street and running east along the center line between sections sixteen and twenty-one, thence running east along the south line of said Dove street to the east line of highway known as Twenty-fourth street and running north along the center of sections sixteen and nine, thence north along the east line of said Twenty-fourth street to the

north line of Howard street, thence west along the north line of said Howard street extended to a point where the Indian Reservation line intersects said highway, thence in a northwesterly direction along said Indian Reservation line to the south line of the Bonhomme tract, thence northeasterly along the south line of said Bonhomme tract to the center of Black river, thence up the middle line of Black river to a point where the same would be intersected by the northwest corner of the McNeil tract in the township of Fort Gratiot, thence easterly along the north line of said McNeil tract to a point where the west line of Lakeside cemetery intersects the north line of said tract, thence north along the west boundary of said Lakeside cemetery, said line being the west line of east fractional part of section twenty-seven in town seven north, range seventeen east, to the north line of said section twenty-seven, thence east along the line of said section twenty-seven, and the north line of fractional section twenty-six to the westerly line of the highway known as the Lakeside turnpike or extension of Gratiot avenue, thence northerly along the west line of said last named highway to the north line of section twenty-two, town seven north, range seventeen east, thence east along said north line of said section twenty-two to the national boundary line in Lake Huron, and thence southerly along said National boundary line in Lake Huron and River St. Clair to the place of beginning, and all the territory formerly included within the limits of the city of Port Huron, but which is not contained within the territory above described, is hereby attached to and made a part of the township of Port Huron, in the county of St. Clair. And that the controller of the city of Port Huron shall eliminate from the assessment roll of said city, all property not embraced in the above description of territory and that the remainder of said assessment roll shall constitute the assessment roll of the said city of Port Huron without further action on the part of said city or any of its officers.

This act is ordered to take immediate effect.

Approved June 18, 1903.

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[No. 534.]

**AN ACT** to authorize the township board of the township of Grosse Pointe, Wayne county, to grade, pave, plank, gravel, macadamize, curb or otherwise improve Jefferson avenue from the easterly limits of the Cadieux Road to the westerly limits of the village of Grosse Pointe Farms, and to provide the necessary funds therefor.

*The People of the State of Michigan enact:*

SECTION 1. The township board of the township of Grosse Pointe, Wayne county, is hereby authorized to grade, pave, May improve Jefferson avenue. plank, gravel, macadamize, curb or otherwise improve Jeffer-

son avenue from the easterly limits of the Cadieux Road to the westerly limits of the village of Grosse Pointe Farms.

**Board may issue bonds for.**

SEC. 2. For the purpose of defraying the cost of the work herein authorized said township board may authorize at any regular or special meeting the issuing of the negotiable bonds of said township, with interest coupons attached, to an amount not exceeding twenty-five thousand dollars. Said bonds shall be signed by the supervisor and clerk of said township, and shall bear interest not to exceed the rate of five per cent per annum, and shall mature at a period not to exceed thirty years from the date thereof. Said bonds shall be sold under the direction of said board at not less than par, and the money received therefor shall be paid to the treasurer of said township, and shall be kept by him as a special fund, and shall be used only for the purposes mentioned in this act.

**May let contracts.**

SEC. 3. Said township board is hereby empowered to make contracts in behalf of said township for the furnishing of material and the performance of labor required to carry on and complete the work embraced within the terms of this act. Said contracts shall contain a provision that all work done thereunder shall be subject to the approval of the commissioner of highways of said township.

**May levy tax for sinking fund.**

SEC. 4. Said township board shall raise each year by assessment on the taxable property in said township, to be assessed, levied and collected in the manner provided for the assessment, levy and collection of other taxes of said township, the total sum necessary to pay the interest on said bonds as it shall mature. Said board is authorized to raise in like manner such further sum as it may deem proper for the purpose of providing a sinking fund with which to pay said bonds at maturity.

**General law suspended.**

SEC. 5. The general law relative to highways and townships, and all special acts relating to said township, and the general village law with reference to streets and highways, and all other existing laws wherever the same may conflict with the provisions of this act, are hereby suspended in their operations so far as the same are in conflict with the terms and provisions of this act.

This act is ordered to take immediate effect.

Approved June 18, 1903.

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[No. 535.]

AN ACT to provide for the establishment of new boundary lines of the present existing wards of the city of Wyandotte and to create a new ward to be known as the fourth ward.

*The People of the State of Michigan enact:*

**Boundaries of wards changed.**

SECTION 1. The boundary lines of the three wards as at present existing in the city of Wyandotte are hereby changed and a new ward is hereby created to be known as the fourth

ward, the different wards to be comprised of the territory and within the boundaries indicated, as follows:

First, The first ward shall consist of all that part of the First city lying between the center lines of the north line road and Superior avenue, and the said lines extended easterly and westerly to the city limits.

Second, The second ward shall consist of all that part of Second. said city lying between the center line of Superior avenue to the center line of Maple street, and the said lines extended easterly and westerly to the city limits.

Third. The third ward shall consist of all that part of said Third. city lying between the center line of Maple street to the center line of Pine street, and the said lines extended easterly and westerly to the city limits.

Fourth, The fourth ward shall consist of all that part of said Fourth. city lying between the center line of Pine street and southerly to the city limits, and the said lines extending easterly and westerly to the city limits: Provided, That if any vacancy shall occur in the office of alderman or constable in any new ward or ward which may be divided under the provisions of this act, it shall be the duty of the common council of the said city of Wyandotte to call a special election for the purpose of filling such vacancy. However, the provisions of this section shall not operate to create any vacancy or interfere in any wise with persons holding office, previously elected.

This act is ordered to take immediate effect.

Approved June 18, 1903.

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[No. 536.]

AN ACT to amend section one of act number three hundred ninety-seven of the Local Acts of nineteen hundred one, entitled "An act to provide for the retirement of aged and disabled policemen employed by the city of Saginaw, and for the payment of pensions to the wives and children and widowed mothers of policemen killed in the service of the city of Saginaw."

*The People of the State of Michigan enact:*

SECTION 1. Section one of act number three hundred ninety-seven of the Local Acts of nineteen hundred one, entitled "An act to provide for the retirement of aged and disabled policemen employed by the city of Saginaw and for the payment of pensions to the wives and children and widowed mothers of policemen killed in the service of the city of Saginaw," is hereby amended to read as follows:

SECTION 1. Whenever a member of the police force of the city of Saginaw shall have been disabled or incapacitated while in the actual performance of his official duty, and whenever any member of said police force or other person in the employ

Section amended.

When mem-  
ber of police  
may be  
retired.

**Amount may  
pay annually.**

of the police board of said city of Saginaw, who has performed faithful service as such member or employee for a period of not less than twenty-five years, shall have become permanently incapacitated from performing regular active duty, he may be retired by the board of police commissioners from the regular active service and placed on the retired list. Such member when so retired may be paid annually, in equal monthly payments, a sum not exceeding six hundred dollars, or a sum equal to one-half the annual pay received by him at the time of his retirement, if the city physician or some other competent physician authorized by the police board to act in the premises, shall certify to the police board in writing, that he is permanently physically or mentally incapacitated from regular active duty, which finding shall be approved by said board of police commissioners by resolution made of record by said board: Provided, That no member of said force shall be so retired until he has been duly notified by said board of its intention to so retire him, and he has been heard in opposition thereto: Provided, further, That said board of police commissioners may place on the retired list any person who became totally disabled while in the employment of said commissioners prior to the passage of this act: Provided further, That the provisions of this act shall apply to any member of the police force of the cities of East Saginaw and Saginaw city as formerly existing before the consolidation of the same as the city of Saginaw; and in computing the period of service in such case, the length of time served by any member of the police force or other person on the police force of the said cities of East Saginaw and Saginaw city, shall be allowed and added to the time said member has served in the police department of the consolidated city of Saginaw: And provided further, That any member of said force deeming himself entitled to the benefits of this act, may make a written application to said board of police commissioners for such benefits, and it shall be the duty of said board to hear and determine such application.

**Proviso.**

**Further  
proviso.**

**Proviso as  
to East  
Saginaw.**

**Further  
proviso.**

Approved June 18, 1903.

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[No. 537.]

AN ACT to authorize the fire commission of the city of Detroit to grant a pension to Cora Hogan.

*The People of the State of Michigan enact:*

**Fire commis-  
sion may grant  
pension.**

SECTION 1. The fire commission of the city of Detroit is hereby authorized to grant and pay a pension to Cora Hogan, widow of Thomas E. Hogan, who, while serving as a member of the fire department of the city of Detroit, contracted a cold, in the year nineteen hundred three, on January seventh, which resulted in his death on January eighteenth, nineteen hundred three, in the same manner and to the same extent as though

the said Thomas E. Hogan had died within one year from direct injuries, as provided in the act to provide for the retirement of aged and disabled firemen and for the payment of pensions to the widows and children of deceased firemen killed while in the service of the city of Detroit, approved June tenth, eighteen hundred eighty-five.

This act is ordered to take immediate effect.

Approved June 18, 1903.

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[No. 538.]

**AN ACT** to amend section nineteen of title six of "An act to revise and amend the charter of the city of Saginaw" as existing under an act, entitled "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw and to consolidate the city of East Saginaw with Saginaw under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of the said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith, being act number four hundred sixty-five of the Local Acts of eighteen hundred ninety-seven and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith."

*The People of the State of Michigan enact:*

**SECTION 1.** Section nineteen of title six of an act, entitled **Section amended.** "An act to revise and amend the charter of the city of Saginaw" as existing under an act, entitled "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw under the name of the city of Saginaw, to specify and fix the boundaries of the consolidated city, to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw and for the ownership of all their corporate property and rights, to define the corporate rights, powers and privileges of said city of Saginaw as so consolidated and to repeal all acts inconsistent herewith, being act number four hundred sixty-five of the Local Acts of eighteen hundred ninety-seven and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith" is hereby amended to read as follows:

## TITLE VI.

**Council may issue bonds for street improvements.**

SEC. 19. To meet the expense of improving streets in said city by paving, grading, graveling or otherwise in anticipation of the collection of the assessments and taxes to defray the expense and cost thereof, the common council may, by resolution, with the approval of the board of estimates, authorize and direct the mayor, controller and clerk of said city to borrow such an amount of money as may be required in any one year for such purpose and to issue bonds of said city therefor, bearing interest at the rate not exceeding six per cent per annum, payable semi-annually, which shall be chargeable to and paid by the proper taxing district: Provided, That the total amount of bonds which the common council is thus authorized to issue shall not exceed six hundred thousand dollars outstanding at any one time. The common council may, when any of the above improvements are made, authorize that the bonds for making said improvements shall run for a period of not less than five nor more than ten years. And the amount of bonds which may be issued for such purpose shall be made payable in annual equal parts, as ordered by the common council. The said bonds to be indorsed "Street improvement bonds of the ..... taxing district," and to be numbered or lettered consecutively. Said bonds shall not be sold for less than par and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the "Street improvement fund" of the proper taxing district. All said bonds shall be paid at maturity and the common council shall not have the power to authorize the re-issue of the same bonds or of bonds to take up said original bonds.

**Proviso as to amount.**

**Relative to insurance, payment, etc., of bonds.**

**Repealing clause.**

SEC. 2. All acts or parts of acts in so far as they are in conflict with this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 18, 1903.

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[No. 539.]

AN ACT to amend section three of chapter one; section one of chapter two; sections three, six and thirteen of chapter three; sections four, eight and nine of chapter four; sections one, six, eleven and sixteen of chapter six; sections three, nineteen, twenty-two, thirty-one, forty-five, forty-seven, fifty, fifty-three, fifty-four and fifty-five of chapter seven; section one of chapter thirteen; sections one, three and nineteen of chapter fifteen; sections five, seven, nine, thirteen, twenty-nine and thirty-five of chapter seventeen; section two of chapter twenty-three of act number three hundred ninety of the Local Acts of eighteen hundred eighty-five and the amend-

ments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred eighty-five.

*The People of the State of Michigan enact:*

SECTION 1. Section three of chapter one; section one of chapter two; sections three, six and thirteen of chapter three; sections four, eight and nine of chapter four; sections one, six, eleven and sixteen of chapter six; sections three, nineteen, twenty-two, thirty-one, forty-five, forty-seven, fifty, fifty-three, fifty-four and fifty-five of chapter seven; section one of chapter thirteen; sections one, three and nineteen of chapter fifteen; sections five, seven, nine, thirteen, twenty-nine and thirty-five of chapter seventeen; section two of chapter twenty-three of act number three hundred ninety of the Local Acts of eighteen hundred eighty-five and the amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred eighty-five, are hereby amended so as to read as follows:

Sections  
amended.

## CHAPTER I.

SEC. 3. The territorial limits of said city shall consist of all that tract of country in the county of St. Clair, bounded and described as follows, to wit: Commencing at a point in the national boundary line at St. Clair river where the same would be intersected by the section line projected between sections twenty-one and twenty-eight in town six, north range seventeen east, thence running westerly along said section line to the east line of the highway known as River Road, thence north along said east line to the north line of the highway between said sections; thence running westerly along the north line of said highway to its intersection with the east line of the highway running northerly along the section line between sections twenty and twenty-one; thence north along said east line of highway to the south line of Goulden street according to Factory Land Company plat number one; thence east along the said south line of Goulden street to the west line of Twenty-eighth street according to said plat; thence south along the west line of said Twenty-eighth street to the south line of Conner street according to said plat; thence easterly along the south line of said Conner street to the west line of Electric avenue, according to said plat; thence north along said west line of Electric avenue to its connection with the west line of Twenty-fourth street; thence north along the west line of Twenty-fourth street to the north line of Moak street, according to said plat; thence west along the north line of Moak street to the east line of said highway known as Thirty-second street and running north between sections twenty and twenty-one; thence north along said east line to the south line of highway known as Dove street and running east along the center line between sections sixteen and twenty-one; thence

Territory city  
to contain.

running east along the south line of said Dove street to the east line of highway known as Twenty-fourth street and running north along the center of sections sixteen and nine; thence north along the east line of said Twenty-fourth street to the north line of Howard street; thence west along the north line of said Howard street extended, to a point where the Indian reservation line intersects said highway, thence in a northwesterly direction along said Indian reservation line to the south line of the Bonhomme tract; thence northeasterly along the south line of said Bonhomme tract to the center of Black river; thence up the middle line of Black river to a point where the same would be intersected by the northwest corner of the McNeil tract in the township of Fort Gratiot; thence easterly along the north line of said McNeil tract to a point where the west line of Lakeside cemetery intersects the north line of said tract; thence north along the west boundary of said Lakeside cemetery, said line being the west line of east fractional part of section twenty-seven in town seven north, range seventeen east, to the north line of said section twenty-seven; thence east along the line of said section twenty-seven and the north line of fractional section twenty-six to the westerly line of the highway known as the Lakeside turnpike or extension of Gratiot avenue; thence northerly along the west line of said last named highway to the north line of section twenty-two, town seven north, range seventeen east; thence east along said north line of said section twenty-two to the national boundary line in Lake Huron, and thence southerly along said national boundary line in Lake Huron and River St. Clair to the place of beginning. And the controller of the city of Port Huron shall eliminate from the assessment rolls of said city all property not embraced in the above description of territory and that the remainder of said assessment roll shall constitute the assessment roll of the said city of Port Huron without further action on the part of said city or any of its officers.

## CHAPTER II.

Relative to  
election,  
term, etc.,  
of officers.

Proviso.

SECTION 1. The following officers of the corporation shall be elected on the city ticket at every general biennial election in said city by the qualified voters thereof to wit: A mayor, city clerk, city treasurer, and one member of the board of estimates, who shall hold their respective offices for the term of two years and until their successors are elected and have qualified. In each ward there shall be elected at every annual election, by the qualified voters thereof, which shall be held on the first Tuesday after the first Monday in November of each year, one alderman, for the term of two years, and one member of the board of estimates and one constable, for the term of one year each: Provided. That when it becomes necessary by reason of a change of boundary of any ward, to elect two aldermen, one shall be elected for one year and one for two years. The aldermen of said city shall receive, to be paid out of the city treasury, a

compensation of five dollars for each and every regular meeting actually attended by them; it shall be the duty of the city clerk to file with the controller of said city on the morning succeeding each regular meeting of the common council, a statement showing the names of the aldermen attending said meeting. One of the aldermen of each ward of the city shall represent the city on the board of supervisors (said alderman to be the one whose term shall soonest expire as an alderman of said city: Provided, That if the term of both expires at the same time then the one the oldest in point of continuous service, and if both are equal in this, the one who was elected for the shortest term shall act as such supervisor) said aldermen, together with the mayor and city attorney, shall, in addition to such other officers as are so authorized under the provisions of this charter, represent said city and the several wards thereof, upon the board of supervisors, and shall perform all the duties pertaining to the supervision of townships not inconsistent with the terms of this charter; and they are hereby vested with all the powers and duties of supervisors and as members of such board and shall attend all sessions thereof. It shall be the duty of the city clerk to file with the county clerk prior to each meeting of the board of supervisors, regular or special, the names of persons authorized to represent the city of Port Huron on the board of supervisors, and in case of change at any time it shall be the duty of said city clerk to notify the county clerk thereof in writing.

Further proviso.

### CHAPTER III.

SEC. 3. The next city election of said city shall be held at the general biennial election on the first Tuesday after the first Monday in November, in the year nineteen hundred four, and thereafter an election shall be held in said city on the first Tuesday after the first Monday in each year; at the election to be held at the general biennial election of nineteen hundred four, there shall be elected a mayor, city clerk, city treasurer, and one member of the board of estimates, and each and every of said officers, except the treasurer, shall assume the duties of the office to which he is elected, on the first Monday in January following, except the city treasurer, who shall assume the duties of his office on the first day of May following. There shall also be elected at said biennial election in the year nineteen hundred four, in the several wards of said city, one alderman for one year and one alderman for two years and one member of the board of estimates and one constable for the term of one year each, and annually thereafter, on the first Tuesday after the first Monday in November of each year, one alderman for two years and one member of the board of estimates and one constable for one year each, and such officers shall assume the duties of their office on the first day of January next following their election, and the present incumbents of said offices shall hold and retain their respective offices until the first Monday in

City elections.  
when held.

Officers to be  
elected.

**Wards to be election districts.**

January nineteen hundred five, when they shall cease to be officers of said city. Each ward shall be an election district and such election shall be held at such place in each ward as the common council shall designate; each elector shall vote in the ward in which he resides and the residence of an elector under this act shall be in the ward in which he lodges: Provided, That the common council shall have the power to designate and define the boundaries of two election districts in any of the wards of said city if the number of votes in such wards shall exceed four hundred; that such number is to be determined by the number of votes cast at the last preceding election. In case of two election districts being established in any of the wards of said city, it shall be the duty of the common council to appoint the necessary boards of election inspectors and provide for the holding of election in such district.

**Who to appoint clerks.**

SEC. 6. The inspectors in each ward before the opening of the polls shall appoint two competent clerks of the election who shall take the same oath as the inspectors which oath either of said inspectors may administer, and they shall perform the duties of clerks of said election. Said inspectors shall also at the same time appoint two gate keepers who shall perform all the duties required of gate keepers under the general laws of the State relating to elections.

**Who declared elected.**

SEC. 13. In the canvass of the votes, any person who has received a plurality of the votes for any office, shall be declared duly elected to such office.

**Certain officers to file bonds.**

**Proviso as to signing.**

**Further proviso.**

**Council may require new bonds.**

SEC. 4. The treasurer, clerk, city attorney, controller, and superintendent of public works shall respectively, before they enter upon the duties of their respective offices, and such other officers as the council may direct, file in the clerk's office an official bond in such sum and with such sureties as the common council shall direct and approve: Provided, That the bonds filed by the treasurer, clerk, controller and superintendent of public works respectively shall be signed by some responsible surety company authorized to do business in the State of Michigan, and such bonds shall be approved by the common council before the person giving such bond shall enter upon the duties of his office: Provided, That the common council shall reimburse the treasurer, clerk, controller and superintendent of public works for the premiums paid for the purpose of procuring such bonds.

SEC. 8. The common council may at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same or in such further sums, and with such new and other or further sureties as said common council may deem requisite for the best interests of the corporation. The common council may require such bonds to be furnished within a period of not less than fifteen days, and unless such bond be furnished within

the time fixed, the office held by the officer so required to furnish a new official bond shall thereby be vacated and the vacancy may be filled in the manner provided in the charter of said city.

SEC. 9. The common council shall examine into the sufficiency of the proposed sureties on any official bond, or instrument in writing, required by this act, or in any contract in writing to which the corporation or any officer or board, except the board of education, under this act, shall be a party in interest and except in cases of surety companies, may require such sureties to submit to an examination under oath as to their property and responsibility. The deposition of the surety shall be reduced to writing, shall be signed by him and there shall be attached thereto a schedule of the property owned by such surety or sureties upon which such responsibility is based, together with a list of such incumbrance or incumbrances as exist thereon. The deposition of the sureties or surety shall be signed by such sureties and certified by the person taking the same, and affixed to and filed with the instrument in writing to which it relates. To examine  
sureties.

## CHAPTER VI.

SECTION 1. The mayor shall be the chief executive officer of the city of Port Huron, and conservator of its peace. It shall be his duty to keep an office in some convenient place in said city, to be provided by the common council, to see that all officers of said city faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council, be faithfully observed and executed, and he shall have power in his discretion to report to the common council any violation thereof. He shall, from time to time, give to the common council such information and recommend such measures as he shall deem necessary or expedient. He shall, by virtue of his office, be the chairman of the common council, and it shall be his duty to preside at all meetings thereof. He shall receive an annual salary of six hundred dollars, to be paid monthly out of the treasury of said city.

SEC. 6. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the corporation and every board or officer thereof, except as hereinafter provided. He shall receive all moneys belonging to and receivable by the corporation except as hereinbefore provided in section five of this chapter, and shall keep an accurate account of all receipts and expenditures thereof. For all moneys received by him, except for general or special taxes, he shall give duplicate receipts, one to the party paying such money, and the other to the city controller, specifying the purpose for which such money was paid and the fund. Powers and  
duties of  
treasurer.

to which it properly belongs; he shall pay no money out of the treasury except on a warrant signed by the controller, which shall specify the purpose for which the amount thereof is to be paid, except that on the first day of March in each year, or within ten days thereafter he shall pay over to the county treasurer the amount of all State and county taxes collected by him. He shall keep an accurate account of, and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation; shall keep a separate account for each fund and shall pay every warrant out of the particular fund constituted or raised for the purpose for which such warrant was issued and which shall have the name of such fund endorsed thereon by the controller. He shall also keep an accurate account of all moneys received, with the date of such receipt and of the purpose for which same was received, in a book to be kept in his office for such purposes, and shall also keep an accurate account in a book to be kept in his office and provided for such purpose, of all checks drawn by him upon the treasury and all warrants endorsed by him, together with all moneys on deposit, showing the place where and amount of such deposit, and shall keep such further books of account as the common council may by ordinance determine to be necessary for the benefit and protection of the city and by resolution direct. All moneys received shall at the time of their receipt be entered upon such books, and all moneys deposited also be entered upon such books and all checks drawn upon any of the funds of said city, and all warrants endorsed for payment shall also at the time of such drawing or endorsement be entered upon such books, which shall be kept in such manner that they will at all times show the exact amount of money on hand belonging to the city, and the place or places where such money is kept or deposited. He shall keep an accurate account and report to the common council at the end of each quarter a detailed statement of all taxes collected and money received as well as money disbursed. He shall make a monthly detailed statement to the controller of the amount received and credited by him to each fund, and on what account received, and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which account report and statement shall be filed in the office of the controller. The treasurer shall keep an office in the city hall, where the books and accounts in his charge belonging to the city, shall be open to the inspection of any taxpayer of said city at reasonable hours in any week day. When any bonds, coupons, warrants, the place of payment of which is not otherwise designated, shall be presented for payment, the treasurer shall not discriminate as to parties holding coupons, warrants or other lawful demands. The city treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer and school taxes, and all such special taxes

as may from time to time be levied by the common council for the improvements of streets, the construction of sidewalks or any other purpose authorized by this act or the laws of the State, and which may be placed in his hands for collection by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer and his deputies to collect, by levy and sale, all the taxes set forth upon any copy or transcript of any general or special roll so placed in his hands, the same as warrants made by the supervisors of townships under the laws of this State, and such treasurer shall have all the powers to enforce collections of said taxes as is conferred upon township treasurers by the general laws of the State, and shall give receipts for all taxes collected by him and mark the same paid upon the proper rolls. He shall, at the regular meeting of the common council, on the first Monday in December in each year, send to the common council for confirmation the names of four residents and electors of the city, to act as deputies treasurer. Said deputies when confirmed shall enter upon their duties at such time as directed by the treasurer; they shall hold office not to exceed ninety days and shall file bonds as hereinafter provided, and their compensation shall be fixed and determined by the common council in such manner as the common council may determine. Their duties shall be the collection of delinquent taxes, either general or special, and such deputies shall have all the power and authority of the city treasurer so far as relates to the collection of taxes. All percentages and fees collected by them shall be paid over to the city treasurer and by him placed in the contingent fund of the city: Provided, That the treasurer shall appoint one regular deputy who shall receive a compensation of not less than fifty dollars per month and may at any time appoint one or more deputies to assist him in performing the duties of his office, and such deputies shall, when appointed be vested with all the powers of the city treasurer, and shall receive such compensation therefor as may be allowed by the common council.

Sec. 11. The city engineer shall have power and it shall be his duty to survey within or without the city as the common council or any of the boards of said city may direct, and to furnish to the mayor, common council, or such of the other boards of said city as may desire the same, maps or plats showing the result of such surveys and such further information in relation thereto as may be desired. He shall make and keep in his office a complete record of his surveys and a full and complete map of the city, showing the size of all lots, the course and width of all streets, lanes, alleys and avenues, and all other things proper to be shown on such map. He shall be the official engineer and surveyor of the several offices, boards and commissions of the city.

Sec. 16. The officers mentioned in this chapter shall have power to nominate, and by and with the consent of the com-

Powers and  
duties of  
engineer.

Officers may  
appoint  
assistants.

Proviso.

Further proviso.

mon council to appoint such assistants, clerks, and subordinates for the transaction of the business of their respective offices, as the common council shall prescribe: Provided, No expense attach to the city of Port Huron on account thereof, unless expressly authorized by the common council by a majority vote of the aldermen elect: And provided, further, That the appointment of any such assistant, clerk or subordinate shall in no wise release or affect the obligation or liability of any officer under his official bond.

Council to meet monthly.

SEC. 3. The common council shall hold regular monthly meetings, the day and time of same to be fixed by resolution of the council, and such regular meetings shall be determined from time to time, and all meetings of the common council shall be held at the council room unless they shall otherwise determine: Provided, That regular meetings shall be held on the first and third Mondays of each month unless changed by resolution of the council.

Powers of council relative to streets, parks, etc.

SEC. 19. The common council shall have power to establish, open, widen, straighten, vacate, abolish and maintain, improve, grade, pave, gravel, plank, clay, macadamize, clean, light and adorn the public parks, squares, spaces, streets, avenues, lanes, alleys, boulevards, and other public grounds in said city, and to control and regulate the use thereof; to prohibit and remove encroachments, and obstructions thereon, and to preserve and maintain the rights of the public therein. The common council shall also have power in all cases where any of the streets of said city are occupied by railroad companies for the purpose of running their engines and cars along said streets, to compel any such railroad company to maintain said street between its tracks, and for at least two feet on either side thereof and to keep the same at all times in good repair so that the surface of the roadbed between the tracks and on the outside thereof for the distance above specified shall be flush with the surface of the rail laid along said street; such maintenance shall be either by planking, paving, claying, graveling or macadamizing as the common council may by resolution or ordinance determine. Should any railroad company or railroad companies neglect or refuse to perform such work within a reasonable time after notice given them so to do the common council may cause such work to be done and the cost thereof shall be a charge against said railroad company and the expense thereof may be recovered from the railroad company in an action at law by the city of Port Huron in any court of competent jurisdiction.

Council may establish building limits, etc., by ordinance.

SEC. 22. The common council shall have power to prohibit and prevent by ordinance the location or construction of any wooden or frame house, store, shop or other building, on such streets, alleys, and places, or within such limits in said city as the common council may, from time to time prescribe, and

## CHAPTER VII.

may prohibit and prevent the building or erection of any addition to frame or wooden buildings situated on such streets, alleys, or places, or within such limits, and for the purpose of preventing fires may regulate and control the construction, repair and use of all buildings and erections in said city. The common council shall also have power to regulate the maintenance and erection of billboards in said city, and to prohibit the erection of the same within such limits as they may deem for the best interests of the city, having regard for its appearance, and may provide by ordinance for the kind of material and manner of construction as may be permitted to be erected and to provide penalties in such ordinance for failure to comply with its terms.

SEC. 31. The common council shall have power to tax, license and regulate any trade, occupation, profession or business carried on in said city, or any corporation doing business in said city, and may regulate trade and commerce within said city. It may also have power to enact such ordinances, by-laws and regulations as they deem desirable, to license and regulate saloons and to regulate and prescribe the location thereof, and to provide penalties for the violation of such ordinances, by-laws and regulations.

Council may regulate trade, saloons, etc.

SEC. 45. Claims or accounts contracted by any of the boards in said city shall first be presented to such board, which shall file the same with the controller, together with such objections or recommendations as to its validity as the board deems expedient. It shall be a sufficient bar and answer to any action or proceeding in any court for the collection of any demand or claim against said city, either ex contractu or ex delicto, that it has never been presented to the council or the proper board for allowance, or if under contract, express or implied, that it was presented without the affidavit mentioned in the preceding section, or that the action or proceeding was brought before the council or such board had a reasonable time to investigate or pass upon it. All claims against said city arising out of injuries received by reason of defective highways, crosswalks, walks, or any action of tort against said city, shall be filed with the clerk of the city of Port Huron, and a copy thereof served upon the city attorney of the city of Port Huron, within thirty days after the cause of action arose, such claim shall give the full particulars of the time and place where the circumstance upon which the claim is founded, occurred, and shall give in detail all of the injuries sustained or damages claimed, and shall be verified by the oath of the claimant. It shall be deemed a sufficient bar and answer to any action or proceeding in any court for the collection of any such claim or demand that the same was not presented to the common council, or to the proper board, within thirty days next after the cause of action arose.

Claims against city, how collected.

SEC. 47. The fire department of the city of Port Huron and the chief and all members thereof, shall be under the control and management of a fire commission hereby created; said

Fire commission, how constituted, powers and duties.

commission shall consist of three persons to be elected by the common council on the first Monday in June or as soon thereafter as may be possible, one of whom shall hold office for one year and one for two years and one for three years, from the first Monday in June, A. D. nineteen hundred three, and annually thereafter one commissioner shall be elected by said council on the first Monday in June to hold office for three years after his election, and all vacancies shall be filled by election by the council within thirty days after such vacancies occur. Such commissioners when so appointed shall qualify by taking their official oath as the other officers of the city. Such commissioners shall, on the first Monday in July, A. D. nineteen hundred three, and annually thereafter, elect a chief of the fire department, who shall hold office for one year: Provided. That the term of the present chief shall expire on the first Monday in July, nineteen hundred three. Such commissioners shall have the exclusive power to appoint members of the fire department, to remove the chief of the fire department or the officers or members of the fire department for such cause as shall be fixed by the rules of such commission and the charter of said city. The number of firemen and the salaries of the chief and members of the fire department, shall be fixed and determined by the common council. Such commission may adopt such rules and regulations for the government, disciplining and managing of said department, and the chief and members thereof, not inconsistent with the charter of said city, and they shall have full power to remove the chief of the fire department or any member of the fire department for a violation of any rule of said commission, by a majority vote of said commission, after a hearing on said charge and notice to the accused. All expenditures and money raised for the fire department shall be under the direction and control of the fire commission; and it shall be the duty of said commission to annually furnish to the common council at the same time that estimates are furnished for other purposes, an estimate of the amount of money necessary to be raised for the expenses of said department for the ensuing year.

Council may contract with banks.

Banks to give bonds.

When council to direct treasurer to make deposit.

SEC. 50. The common council shall have power by a two-thirds vote of all the aldermen elect to enter into a contract with any bank or banks doing business in the city of Port Huron to receive on deposit and pay interest on any money in the city treasury belonging to the city. As a condition precedent to entering into such contract the common council shall require the furnishing by any bank or banks of a bond sufficient in amount and signed by some responsible surety company, authorized to do business in Michigan, to secure to the city of Port Huron for the safe keeping and prompt paying over of such money and the interest thereon on the order of the city treasurer or the common council. Upon such contract being made and filed with the controller and the bond for the faithful performance thereof being approved by the

common council and filed with the controller, and such contract and security entered and recorded at length upon the journal of the common council in the proceedings of the meeting at which the security was approved, the common council shall have power, by resolution to direct the city treasurer to deposit with such bank or banks, all money of the city in and thereafter coming into his hands during the time fixed in such contract, and the city treasurer and his bondsmen shall not be liable for any loss that the city may sustain from or by reason of any defalcation of such bank or banks. In any contract for the deposit of city funds made in pursuance of the authority herein given, the common council shall reserve the right to terminate the same, and to withdraw such deposits and remit the same to the custody of the city treasurer at its pleasure, by a two-thirds vote of all the aldermen elect. Money, how drawn.  
Money so deposited shall be drawn only on the order of the city treasurer and he shall draw the same only when he is authorized to pay the same according to the provisions of this charter, or directed by the common council to withdraw such deposits, and all interest collected shall be credited to the interest fund of the city: Provided, That before any contract is entered into under this section, the council shall cause notice to be published in the official paper of said city for two weeks, of its intention to let such contract and asking for sealed proposals for the payment of interest on and the keeping of such money, and the council shall reserve the right to reject any and all bids. And in case the city treasurer fails to deposit with such bank or banks when directed so to do in the manner aforesaid, such failure shall be a cause for his removal from office and the treasurer and his bondsmen shall be liable for all damages to the city arising directly or indirectly therefrom.

SEC. 53. The common council shall have the control and possession for the public use, of all the public streets, lanes, alleys, avenues, squares and places in said city, and the city may maintain actions of ejectment therefrom, or take such other course as may be allowed by law to enforce, protect and maintain the rights of the public therein. The common council shall also have power whenever any pavement is to be constructed on any of the streets of said city, or whenever any of the streets of said city are to be paved, to require the property owners along such street to make the necessary connections for water, sewer, gas and other pipes, with the premises adjacent thereto, such connection to be extended so far as is necessary under the center of said street and beyond the curb line of the proposed pavement or repavement, so that it will not be necessary for such pavement or repavement to be interfered with or torn up for such purpose. Notice to be directed generally to the property holders along the street, describing the limit which it is proposed to pave or repave, and requiring the owners and occupants of property on both sides of the street to make such connections, shall be given  
Powers and duties of council relative to streets, etc.

by causing a sufficient form of notice to be published at least once a week for two consecutive weeks in the official paper of said city. It shall be the duty of the said property owners at once upon such notice being given, to cause such work to be done in such manner as will not interfere with the proposed paving or repaving, and as expeditiously as possible, and in the event of their refusal or neglect to take such steps and make the necessary connections within two weeks after such notice is published, the city of Port Huron shall be and is hereby authorized to make such connections and the amount expended therefor shall be a personal charge against the owner of such premises, and a lien upon the property adjacent thereto until the same is paid. For the collection of the same, the common council shall have power to cause to be prepared a special assessment roll, to defray the cost and expense thereof and the proceedings for special assessment rolls provided by chapter seventeen of said charter shall be followed so far as they are applicable, and all proceedings for the collection thereof shall be governed by the provisions of said chapter, or the council shall have power to provide by ordinance for the doing of such work and the making and collection of special assessments therefor.

Relative to  
sprinkling,  
cleaning of  
sidewalks, etc.

SEC. 54. The common council shall have power and authority to provide for the sprinkling of any of the streets of said city, and also for the keeping of the sidewalks of said city clear of snow, ice and other objectionable obstructions, and to provide a penalty for failure so to do. The common council shall have power and authority to provide by ordinance for the doing of such work by the city or by contract, and to levy and collect special assessments, to defray the costs and expenses of so doing, and to provide by ordinance the necessary means for carrying out the provisions of this section, and the making of the necessary assessment rolls. The amount so assessed shall be a personal charge against the owner or occupant of the premises adjacent to which such sprinkling or cleaning of walks is done, and be and remain a lien upon the property until the same is paid. If for any reason there is a failure to collect the amount placed upon the special assessment roll or rolls for either of such purposes, the amount of such assessment shall be carried on to the general tax roll in like manner as is provided for other special assessments under the provisions of chapter seventeen of the charter of said city.

When council  
may take  
property for  
public use.

SEC. 55. The common council shall have power to acquire, purchase or take private property for public use and benefit in the following cases:

First. To open, extend, widen or straighten the public highways, avenues, streets, lanes, and alleys in said city;

Second. To obtain sites for public buildings in said city;

Third. To establish, lay out, open or extend public squares, spaces, market grounds, parks, boulevards and cemeteries in said city;

Fourth, To lay through private property sewers, water pipes and gas pipes, and the common council may also open private roads and alleys in said city.

### CHAPTER XIII.

SECTION 1. The superintendent of public works shall devote his entire time to the performance of his official duties. He may appoint, with the consent and approval of the common council, clerks, inspectors, and subordinates for the transaction of the business connected with the public works of this city.

Powers and  
duties of su-  
perintendent  
of public  
works.

### CHAPTER XV.

SECTION 1. The revenues and moneys of the corporation <sup>Moneys, how divided.</sup> shall be divided into the following funds, viz.:

First, General fund, to defray the expenses of the city of <sup>General fund.</sup> Port Huron for the payment of which out of some other fund no provision herein is made;

Second, Contingent fund, to defray the contingent expenses <sup>Contingent.</sup> of said city and pay judgments and claims for damages against said city;

Third, Interest fund, to pay the interest on the funded debt <sup>Interest.</sup> of the city;

Fourth, Sinking fund, to pay the funded debt of said city; <sup>Sinking.</sup>

Fifth, Police fund, to defray the expenses of the police force <sup>Police.</sup> of said city, including the erection of station houses and other buildings for the force;

Sixth, Water fund, to defray the expenses of obtaining <sup>Water.</sup> grounds, erecting buildings, purchasing machinery, obtaining rights of way, laying mains and constructing, repairing and maintaining the water-works of said city;

Seventh, Fire department fund, to defray the expenses of <sup>Fire department.</sup> maintaining the fire department of said city, including the maintenance and repairs of public hydrants and the erection of engine houses and other buildings for the use of said fire department;

Eighth, Educational fund, to defray the expenses of maintaining the public schools of said city, and of obtaining <sup>Educational.</sup> grounds, erecting and repairing school buildings;

Ninth, Sewer fund, to defray the expenses of constructing, <sup>Sewers.</sup> repairing and maintaining the city's portion of sewers, and of constructing and maintaining receiving or catch basins and man-holes and putting in street and alley connections, and for the construction of sewers for surface drainage when in the opinion of the common council they are necessary for the public health and cannot equitably be made a charge on private property;

Tenth, Street opening fund, to defray the expenses of opening, <sup>Street opening.</sup> widening, altering, and vacating streets, highways, and alleys in said city, and not for working or grading streets;

**General road.** Eleventh, General road fund, to defray the expenses of repairing paved streets, of grading, paving, planking, graveling, claying; macadamizing, or otherwise improving street intersections and the highways, streets and alleys in said city in front of or adjacent to the property of the corporation;

**Ward road.** Twelfth, Ward road fund, for each ward in the city to defray the expenses of grading, working, repairing, cleaning, and improving the highways, streets and alleys in the several wards in said city and of the building of culverts and cross-walks in said city;

**Public buildings.** Thirteenth, Public building fund, for purchasing real estate for the erection thereon of public buildings, and to defray the expenses of erecting, repairing and maintaining such public buildings as the common council is authorized to erect and as are not otherwise provided for;

**Bridge.** Fourteenth, Bridge fund, to defray the expenses of erecting, repairing and maintaining the bridges in said city;

**Park.** Fifteenth, Park fund, to defray the expenses of beautifying and caring for the public parks of said city, and for the purchase of grounds for parks and boulevards;

**Cemetery.** Sixteenth, Cemetery fund, to defray the costs and expenses of obtaining one or more cemeteries and to defray the costs and expenses of beautifying and adorning, keeping, maintaining and caring for the cemeteries of the city, either within or without the city;

**Lighting.** Seventeenth, Public lighting fund, to provide for the purchase, erection and maintaining of a lighting plant and to defray the costs and expenses of lighting the city;

**Salary.** Eighteenth, Salary fund, to pay the salaries of the various city officers except as herein otherwise provided;

**Improvement.** Nineteenth, Public improvement fund, to defray the cost and expenses of the improvements mentioned in the first and third subdivisions of section one, chapter seventeen, of this act, into which fund the proceeds of all of the special assessments therein specified shall be placed, together with such other amounts as may from year to year be appropriated by general tax;

**Repaving.** Twentieth, Repaving fund, to defray the expenses of repaving streets in the city;

**Street cleaning.** Twenty-first, Street cleaning fund, to defray the cost and expense of cleaning the paved streets of the city;

**Police.** Twenty-second, Police life and health insurance fund, the moneys placed in said fund to be applied in accordance with chapter twenty-two, section seven, of this act;

**Other funds.** Twenty-third, Such other funds as the common council may constitute for special purposes.

**May levy taxes for.** SEC. 3. The common council, shall have the power, subject to the approval of the board of estimates, to annually levy, assess and collect taxes on the assessed value of all the real and personal estate in said city made taxable by the laws of this State in order to defray the expenses and for the purpose of the several funds mentioned in and authorized by the pre-

ceding section: Provided. That the total amount so levied or collected in any one year for all said funds, excepting the sinking fund and repaving fund, and except any fund for which special assessments are made shall not exceed one and one-half per cent of such valuation, and for the sinking fund and repaving fund shall not exceed one-third of one per cent of such valuation for each fund: And provided, further, That the common council may authorize the raising in addition thereto of a ward road fund of not to exceed one-fifth of one per cent of the valuation of the property in each of the several wards.

SEC. 19. The construction of any public building, sewer, paving, grading, planking, macadamizing, graveling, or clay-ing, any of the streets, highways, or alleys of said city, and the construction of any public work whatever, or any work done except the ordinary care of streets and water-works, public buildings or other property of said city, or the pur-chasing or furnishing of materials or supplies for the city, or printing or publishing required by this act, or that may be required by the common council of said city, may be let by contract or otherwise as the council shall direct. No contract shall be let or entered into by the common council or any board of said city where the amount of expenditure shall exceed the sum of one hundred dollars except to and with a responsible bidder (who shall furnish adequate security) and fully competent to undertake and perform the proposed contract, and with proper ability and facilities for the performance of the work in such manner as will subserve the best interests of the city. No contract shall be let to any person or persons who have heretofore failed to execute and fully comply with the provisions of any contract awarded to them by the common council, or any board of said city, nor shall any contract be let or entered into, for the construction of such work or furnishing materials with any person who is in arrears to the corporation upon any debt or contract or for taxes, or who is a defaulter as surety or otherwise upon any obligation to the corporation, or who shall be disqualified in any respect according to the provisions of this section, and if any such person or persons shall be the lower bidder, the common council shall reject such bid or bids for such reason, and award the contract to the next lowest responsible bidder who is competent to perform the same. The common council and the several boards of said city authorized to make contracts, may reject any and all bids for any public work, improvement or for the furnishing of material or supplies and may advertise one or more times for the same as they deem the best interests of the city require.

Relative to  
letting of  
contracts for  
public works.

## CHAPTER XVII.

SEC. 5. Thereupon it shall be the duty of such engineer to make out a proposed special assessment roll, said roll shall contain a description of each lot, tract or parcel of land con-

Engineer to  
make special  
assessment  
roll.

tained within the special assessment district as fixed and determined by the common council, together with the name of the owner or occupant of each lot, tract or parcel of land so far as he can ascertain the same. He shall assess to each description of land its proportion of the total cost and expense of such work or improvement. In all cases of curbing, paving, graveling, claying, planking or macadamizing any of the streets, lanes, alleys, highways or avenues, or of improving the same by a combination of any such methods, or of repairing the same, the amount to be assessed to any lot, tract or parcel of land shall be in proportion to the number of feet fronting, abutting on or touching on such street, lane, alley, highway or avenue; and in all cases of construction or repairing drains or sewers, the amount to be assessed, to any lot, tract or parcel of land, shall be according to the benefits resulting to the same, which shall be estimated by the engineer and be determined by the common council, and the council shall assess to the city its proportion of the costs and expenses of such work or improvement for street crossings and intersections; and the cases where side streets open upon and do not extend across the street, lane, alley, highway or avenue to be improved, the space formed by extending the lines of the side street to the middle of the street, lane, alley, highway or avenue to be so improved shall be treated as spaces formed by the intersection of streets.

SEC. 7. When the assessment roll is thus completed the city engineer, except as otherwise provided, shall give notice by at least two weekly publications in the official newspaper of the city, that such assessment has been completed, and will remain in the city engineer's office ten days from the first publication of said notice, for the inspection of all concerned, during which time any person interested may file with the city engineer in writing, such objections as they may wish to make to such assessment roll. At the expiration of the said ten days the city engineer, after any needed revision or correction of said roll, shall affix a certificate thereto setting forth that he has included in said assessment roll all the real estate in the assessment district, as fixed by the common council, together with the name of each owner or occupant of each lot, tract or parcel of land so far as he could ascertain the same; that he has assessed upon each description of land its proportion of the amount directed to be raised by the common council. If a sewer assessment, that the same has been apportioned according to the benefits resulting to each lot, tract or parcel of land. If an assessment for paving, grading, planking, graveling, claying, or macadamizing the streets, lanes, alleys, highways, or avenues, or improving the same by a combination of any of said methods, or for sidewalks purposes, that the same has been apportioned according to the number of feet of such lot, tract or parcel of land fronting or abutting on or adjacent to the street, lane, alley, highway or avenue so to be improved, and that he has assessed

Notice of  
completion  
of roll to  
be published.

Engineer to  
attach cer-  
tificate.

When to  
report to  
council.

to the city its proportion of the cost and expense of such work or improvement according to the provisions of this act, and shall thereupon report it to the common council with such objections as have been filed thereto. The common council shall review said roll, and consider the objections, and may refer the said roll back to the engineer for further revision, or correction, or may alter the same, and when satisfied with the same, it shall by resolution confirm the same. From and after such confirmation, the assessments in said roll shall constitute a lien until paid, upon said lots or parcels of land, and a personal charge against the owner or owners thereof and the city clerk shall add to said roll a certified copy of the resolution confirming the same.

Council to review assessment.

SEC. 9. Upon the confirmation of said roll as aforesaid, the city clerk shall deliver the same to the city controller, who shall attach to the same a warrant under his hand directed to the city treasurer, commanding and requiring him to collect from the several persons therein named the several sums set opposite their respective names in the column headed "Part One." Such warrant shall authorize the treasurer in case any person or persons named in the assessment roll shall neglect or refuse to pay his, her or their assessment, to levy the same by distress and sale of the goods and chattels of such person or persons, and from such distress and sale no property shall be exempt, and the controller shall thereupon deliver such roll to the city treasurer. When part two and all subsequent parts shall respectively become due, the controller shall add to the amount appearing in each of such respective parts and opposite each of the several descriptions the interest accumulated on all sums remaining unpaid and to be collected as provided in this chapter, and shall attach to said roll his warrant commanding the treasurer to collect the amounts appearing in such respective parts in the manner herein provided for the collection of part one, together with the interest as computed and placed thereon by him, and the city treasurer shall have the same authority for the collection thereof as is hereby given him for the collection of part one.

When roll to be delivered to treasurer for collection.

SEC. 13. After the confirmation of such assessment roll as aforesaid, the common council may issue public improvement bonds to an amount not exceeding three-fourths of the amount to be raised for such work or improvement, provided the assessment roll shall be divided into but four parts, and if the assessment roll as confirmed shall exceed four parts the common council may issue public improvement bonds to an amount equal to the deferred payments provided to be made in such special assessment rolls. Such bonds shall be designated "Public Improvement Bonds" and shall be payable to the treasurer's office in the city of Port Huron. The proceeds of such bonds and such special assessments shall be paid into the public improvement fund for the specified purpose of paying for such public improvements, and such public improvement bonds and no other. One part of such bonds shall

When council may issue public improvement bonds.

be payable in one year and an equal part in each and every year thereafter, the total length of time to be determined by the number of deferred payments provided for on such roll, and to bear interest not exceeding six per cent per annum.

**Injunction not to issue to restrain collection of taxes.**

SEC. 29. After any taxes have been assessed for the construction, location or establishment of any sewer or pavement or whenever any assessment roll, authorized by the charter of said city has been confirmed under the provisions of this chapter, no injunction shall issue to restrain the collection of the same, nor the transfer of the same to the general tax rolls of said city, nor shall the same be in any manner stayed, unless the amount of such assessment shall first be paid to the city treasurer to be applied upon such tax in case the court in which such suit may be commenced or is pending shall so order.

**Council may issue bonds for repaving fund.**

SEC. 35. The common council shall, with the approval of the board of estimates, have power to provide for the repaving fund by borrowing upon the faith and credit of the city and upon the best terms that can be made, such sums of money as shall be deemed necessary and expedient and to issue the bonds of said city therefor.

**Who to have control of parks, etc.**

SEC. 2. Such commissioners shall have the exclusive control and management and shall have charge of all parks, boulevards, and public grounds of said city, and of all parks, boulevards or public grounds as may hereafter be acquired, laid out, purchased or dedicated for public use in said city. The authority hereby conferred shall not be construed as giving any charge or control to said commissioners over and to the improvement of any of the public streets or alleys, unless such street or highway shall be turned into a boulevard. When the estimated cost of any work or improvement ordered by said commissioners shall exceed the sum of two hundred and fifty dollars, the same shall be done by contract after advertisement for bids in at least one daily paper printed in said city, for at least seven days.

This act is ordered to take immediate effect.  
Approved June 18, 1903.

[No. 540.]

AN ACT to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties.

*The People of the State of Michigan enact:*

**Term of office.**

SECTION 1. There shall be a board of county auditors for the county of Saginaw consisting of three members, whose term of office shall be for six years.

SEC. 2. As soon as this act shall take effect the judge of probate, county clerk and county treasurer of said county of Saginaw, shall appoint three suitable persons who shall be citizens and residents of said county to be members of said board of county auditors and shall designate the term for which each of them shall hold office. The term of one shall expire January first, nineteen hundred five, of another January first, nineteen hundred seven, and of the other January first, nineteen hundred nine, or until their successors are elected and qualified who shall take and subscribe to the constitutional oath of office and file the same with the county clerk; and thereafter there shall be chosen at the general biennial election when the other county officers are elected, one county auditor whose term of office shall be for the full term of six years.

SEC. 3. In case a vacancy shall at any time occur in the membership of said board of county auditors, such vacancy shall be filled by the judge of probate, county clerk and county treasurer by appointment, and such appointment shall be for the unexpired term of the vacancy so filled.

SEC. 4. Said board of county auditors shall meet for the transaction of business in the office of the clerk of the county of Saginaw or in some convenient room in the court house of said county, on the last Wednesday of each month, after their appointment or election. At the first meeting of said board they shall organize by electing one of their number chairman of said board, who shall continue as such chairman during his said term of office. Any two members of said board shall constitute a quorum for the transaction of business. It is hereby made the duty of the county clerk, by himself or his deputy, to be in attendance during each of said meetings and be the clerk of said board without other compensation other than his regular salary. Said board shall remain in session that day and the two days following only, of each month: Provided, That if said board shall be unable to dispose of all pending bills at their December meeting of each year, they may continue in session for the remainder of the week. Said board shall have authority to call for persons and papers and the examination of witnesses relating to any claim pending against said county. Said board shall be in session from eight o'clock a. m. till twelve o'clock noon, and from one o'clock p. m. till five o'clock p. m. of each day's session.

SEC. 5. The members of said board of county auditors shall receive the sum of three dollars per day and six cents per mile to and from their residence to the court house of said county; to be computed by the nearest traveled route.

SEC. 6. It shall be the duty of the county clerk to tabulate all bills presented against the county of Saginaw that are properly sworn to by the claimant, and place the same in the hands of the board of county auditors at each of their said meetings, who shall proceed to audit and allow all just and

reasonable bills against said county on the same conditions as bills are now allowed by the board of supervisors of said county. It shall be the duty of said board of auditors to provide by contract with the lowest responsible bidder for the publication of an accurate list of all claims allowed by said board, in one daily newspaper printed in the English language and in one weekly newspaper printed in the English language, and in one weekly newspaper printed in the German language, having a circulation in said county. The published lists to show the name of the claimant, the amount claimed, and for what purpose, and the amount at which the claim was allowed.

**When treasurer to pay bills.**

SEC. 7. All bills allowed by said board, or by a majority of the members thereof, shall be paid by the county treasurer on an order signed by the chairman of said board and countersigned by the county clerk, that said bills have been audited and allowed by said board of county auditors. No bills against the county of Saginaw shall be audited or allowed in any other manner than provided for in this act, except the bills of the county drain commissioner and such expenditures as may be authorized by the board of supervisors of said county at any regular, special or adjourned session thereof, where payment shall be provided for in the resolution authorizing the same.

**When board to require statement.**

SEC. 8. Before allowing the court bills of any justice of the peace of said county, or of the clerk of the justice and recorder's courts of the city of Saginaw, the board of auditors shall require of said justice or justices, or clerk of the justice and recorder's court aforesaid, a certified statement from the county treasurer that all fines collected by any such justice of the peace, and clerk of the said city courts, shall have been by him, or them, paid over to the county treasurer up to and including the date of all such pending bills as required by law.

**Who to be legal adviser.**

SEC. 9. The prosecuting attorney of said county shall be the legal adviser of said board of county auditors and shall, on the request of any member thereof, render an opinion, either orally or in writing on the legal status of any bill pending before said board, and shall, on his own motion investigate the findings of said board, whenever, in his opinion, the public service will be benefited thereby, and shall institute criminal proceedings against said board or any member thereof, for any misfeasance in office.

**Penalty for fraud, etc.**

SEC. 10. Any member of said board of county auditors, who shall enter into collusion with any claimant, or with any other person, or persons, to defraud said county, or shall wilfully violate any of the provisions of this act, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail not less than sixty days nor more than one year, or both such fine and imprisonment in the discretion of the court.

SEC. 11. All acts or parts of acts conflicting with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved June 18, 1903.

[No. 541.]

**AN ACT to authorize the city of Detroit to take private property for the use and benefit of the public.**

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Detroit is hereby authorized to take private property for the use and benefit of the public within the limitation of the State constitution, and to institute and prosecute proceedings for that purpose, and all such proceedings on the part of the city of Detroit shall be held and prosecuted under the provisions of this act and no other: Provided, That this act shall not apply to cases where petitions have already been filed in the recorder's court under the provisions of act number one hundred twenty-four of the Public Acts of eighteen hundred eighty-three, as amended March twenty-ninth, eighteen hundred eighty-seven, July third, eighteen hundred eighty-nine, and June first, eighteen hundred ninety-five.

SEC. 2. Such proceedings may be commenced and prosecuted under this act whenever the common council shall have declared a public improvement to be necessary in the municipality, and shall declare that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that improvement is for the use or benefit of the public. They shall, by resolution, direct the corporation counsel to institute the necessary proceedings in behalf of the municipality in the recorder's court of said city, to carry out the object of the resolution in regard to taking private property for the city. Before the institution of such proceedings, the common council shall, if it be their intention to assess any part of the damages awarded in such proceedings upon a special or local district, declare by resolution such purpose and fix such district, embracing only such real estate as in their opinion will be specially benefited by the improvement and they shall describe such district with reasonable certainty by well known boundaries, so that all persons owning real estate in such district may readily ascertain the facts.

SEC. 3. The city clerk shall make and deliver to the corporation council [counsel] as soon as may be, a copy of such resolution, certified under seal, and it shall be the duty of such attorney to prepare and file in the name of the city, in

the court having jurisdiction of the proceedings, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the common council shall be annexed, which certified copy shall be prima facie evidence of the action taken by the common coun-

Petition, what  
to state.

cil and of the passage of said resolutions. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private prop-

Property to  
be described.

erty for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given, and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the common council has declared such improvement to be necessary, and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and empaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things, and may pray for any other or further relief to which the municipality may be entitled within the objects of this act.

Clerk of court  
to issue sum-  
mons on  
receipt of  
petition.

SEC. 4. Upon receiving such petition, it shall be the duty of the clerk of said court, to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them in the name of the people of the State of Michigan to appear before said court, at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted. Such clerk shall also cause to be published in at least one newspaper published in the municipality, a conspicuous notice addressed to all owners of real estate within the assessment district (and which owners shall be designated in this act as the taxpayers) describing such district, and warning and notifying such owners of said proceedings pending in said court, and stating the return day of such summons, and that such owners or taxpayers are at liberty to appear in said proceedings and defend. And all or any of such owners are hereby authorized to make themselves parties to said proceedings by appearing in person or by attorney at any time before the trial herein provided for, and such as appear shall have all the rights of parties respondents at all stages of the proceedings, including the

Notice to  
owners to  
be published.

Rights of  
owners in  
suits.

right to move for a new trial and take appeals; but the rights of those who do not appear shall not be held abridged or impaired by such proceedings any further than would be the case if the right to appear did not exist.

SEC. 5. Said summons shall be served by the sheriff, deputy sheriff, under sheriff of the county, or by any member of the metropolitan police of the city of Detroit, at least five days before the return day thereof, upon all the respondents found within the county of Wayne, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there be no guardian, the court may appoint some discreet and proper person to be guardian of such person in such proceedings; any such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident, and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance, and require as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the court may adjourn the proceedings from time to time as there shall be occasion and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed in the clerk's office before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service. And such officer shall, at least five days before the return day of the summons, also post up in at least four conspicuous places, within the assessment district, printed notices (which shall

Summons,  
when and by  
whom served.

When court  
may order  
respondents  
to appear.

Court may  
adjourn  
proceedings.

Return of  
summons.

Notices to be  
posted.

be supplied by the clerk of said court) to the owners or taxpayers, similar to that provided in section four above, and which notices shall be printed on sheets at least fifteen by twenty inches in size and in large type. Copies of said notice shall be served personally by such officer upon at least three of such taxpayers, if to be found within the county, at least five days before the return day of the summons.

Jury, when  
and how  
impaneled,  
qualifications,  
etc.

SEC. 6. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of twelve freeholders of the municipality, and shall be elected and empaneled as follows: The sheriff, under sheriff, or a deputy sheriff of the county shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the corporation counsel in person or by an assistant or deputy, and the respondents and taxpayers collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause and peremptory challenges, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct by venire issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the judge of the court, and in case any of the persons to be summoned cannot be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case, by such sheriff or sheriff's officer, or authorized person, and the practice and proceedings under this act, except as herein provided, relative to empaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of the circuit court of the State relative to petit jurors in civil cases in such courts. No person shall be qualified to act as juror under this act who shall have served as a juror in any court of record in said county within two years next preceding the time of empaneling such jury. The city on one side and the respondents and taxpayers on the other shall have the right to challenge peremptorily three persons called to serve as jurors in each such proceeding; in the discretion of the judge of said court the number of peremptory challenges may be increased to not exceeding six on each side.

Form of oath. SEC. 7. The jurors so empaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays

may be taken, and if you shall determine that it is necessary to make such improvements and to take said property, that then you ascertain, determine and award a just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court a true verdict give according to law and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and if so ordered by the court shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the judge of the court, and shall retire under charge of an officer, and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing, and shall be signed by the foreman of or by all the jurors.

SEC. 8. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists, they shall award to the owners of such property and others interested therein such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion an award to the parties in interest such portion of the compensation as they shall deem just.

SEC. 9. To assist the jury in arriving at their verdict, the court may allow the jury when they retire to take with them the petition filed in the case and a map showing the location of the proposed improvement, and of each and all the parcels of the property to be taken, and may also submit to them a blank verdict which may be as follows:

Powers and duties.

What to determine in verdict.

To be given petition, map, etc.

#### PART I.

We find that [it] is....necessary to take the private property described in the petition in this cause for the use and (or) benefit of the public for the proposed public improvement.

Form of blank verdict.

#### PART II.

The just compensation to be paid for such private property we have ascertained and determined and hereby award as follows:

Description of each of the several parcels private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the court, before it is submitted to the jury, or it may be done by the jury.

*Verdict may  
be set aside  
and new trial  
ordered.*

SEC. 10. The verdict of the jury may be set aside by the court and a new trial ordered as in civil suits at law in the circuit courts of this State. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceedings, or in the description of the property proposed to be taken, or the name of any person, whether contained in the resolution passed by the common council or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after, as well as before, judgment confirming the verdict of the jury.

*When verdict  
to be final.*

SEC. 11. Motions for a new trial or to arrest the proceedings shall be made within two days after the rendition of the verdict, unless further time is allowed by the court; and if no such motion is made, or, being made, is overruled, the court shall enter an order or judgment confirming the verdict of the jury; and such judgment or confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein.

*How appeals  
may be taken.*

SEC. 12. Any person whose property may be taken (and any such taxpayer, party to the proceedings under this act), considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury, by filing in writing, with the clerk of said court, a notice of such appeal within five days after the confirmation, and within the same time serving a copy thereof on the corporation counsel and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal to judgment, and the payment of all costs, damages and expenses that may be awarded against him in case the judgment or confirmation shall be affirmed. Such appeal shall be perfected within the same time and prosecuted as an appeal in chancery, as near as may be, subject to the provisions of this act.

*Duty of  
clerk of court  
in case of  
appeal.*

SEC. 13. In case of such an appeal, the clerk of the court, on payment of his legal fee and charges, shall transmit to the supreme court a certified copy of the necessary files, records and proceedings in the case, and the judge of the court shall, at the request of the appellant, settle a case according to the usual practice of said court, showing the material evidence and instructions given to the jury, bearing upon any disputed points to which exception was taken, and the objections, rulings and exceptions in the case, all of which shall be returned by said clerk as part of the records to the clerk of the supreme court.

*Duty of su-  
preme court.*

SEC. 14. The said appeal may be brought on for hearing at any term of the supreme court, and the said court may affirm, or, for any substantial error, reverse the judgment.

and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and give judgment as in other chancery appeals, and all costs, damages and expenses awarded to the city, if it so elect, may be applied on or deducted from the compensation, if any, to be paid, or execution may issue on the judgment. Damages may be awarded against a party appealing without reasonable cause.

SEC. 15. When a verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court, affirming the judgment of confirmation, it shall be the duty of the clerk of the court to transmit to the common council a certified copy of the verdict of the jury and of the judgment of confirmation, and of the judgment, if any, of affirmation, and thereupon the proper and necessary proceedings in due course shall be taken for the collection of the sum or sums awarded by the jury. The common council shall by resolution determine whether the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate contained in the assessment district, already fixed and determined as hereinbefore provided, and the whole or any such just proportion so determined shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel or subdivision is deemed to acquire by the improvement: Provided, That in the case of opening and widening alleys, all damages for the taking of property for such opening or widening shall be assessed upon the property directly abutting the alley, or such portion thereof as is ordered to be opened or widened. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in the charter of the municipality for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the common council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected in such city. At any sale which takes place of the assessed premises, or any portion thereof, delinquent for non-payment of the amount assessed and levied thereon, the city may become a

When clerk  
to transmit  
verdict to  
council.

Duty of  
council.

Proviso as  
to alleys.

Assessments,  
how made.

Roll to be  
evidence of  
regularity.

**Proceedings  
when lands  
deeded or  
dedicated  
to city.**

purchaser at the sale. Whenever any person shall deed or dedicate land to the city of Detroit for a street or part of a street, or an alley or part of an alley, for the use and benefit of the public, and the same shall be duly accepted by the proper authorities, then the board of assessors for the city of Detroit shall at the time of such acceptance ascertain the last assessed value of the land so deeded or dedicated, according to the area, and certify the same upon the plat, deed or instrument containing the dedication; and thereafter whenever the remaining property of the dedicant which abuts on the land so deeded or dedicated shall be assessed to defray the cost of extending or widening the street or alley, for which said land was deeded or dedicated, there shall be credited upon said assessment an amount equal to the certified assessed value of the land so deeded or dedicated, and the amount so credited shall be paid by the city out of the street opening or contingent fund.

**Council to set  
apart com-  
pensation for  
property.**

SEC. 16. Within one year after confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be confirmed, the common council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by jury, and shall in the resolution setting apart and providing said sum, if not already provided, direct the city treasurer to pay to the persons respectively entitled to the money so set apart and provided, to each his or her proportion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The common council may provide the necessary amount by borrowing from any other money or fund in the treasury, and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded in the treasury for payment of the award for the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk or county clerk, which certificate shall be *prima facie* evidence of the matters therein stated. Whenever the amount of the compensation is in the treasury, and thus secured to be paid, the common council may enter upon and take possession of and use such private property

**When council  
may take  
possession of  
property.**

for the purpose for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the common council of their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury ready to be paid to those entitled thereto, the common council by the corporation counsel may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

SEC. 17. Officers, jurors and witnesses in any proceedings under this act shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of this State.

SEC. 18. All the expenses and costs of the proceedings to take and use private property under this act, incurred by the municipality, shall be paid out of the general fund, contingent fund, or a fund provided for such purposes, as the case may be; and it shall be lawful for the judge in any case to order the payment by the city to any respondent or taxpayer of such a reasonable attorney fee as he may deem just, not exceeding twenty-five dollars, which may be taxed with the costs.

SEC. 19. The common council shall not have power to dis-  
continue proceedings under this act after the rendition of the  
verdict of the jury, but they may direct the corporation coun-  
sel to move for a new trial or to arrest the proceedings, or to  
take an appeal to the supreme court, and in any such case the  
same proceedings shall be taken as are hereinafter prescribed  
in the case of like proceedings on the part of any respondent,  
except that no bond shall be required, nor shall the municipali-  
ty be required to pay the clerk of the recorder's court fees.

SEC. 20. It shall be *prima facie* evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest, and an abstract of the title of such property, or any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be *prima facie* evidence as to ownership and persons having an interest in any such property, and the extent and nature of such interest.

SEC. 21. In case there is on the private property taken, a building or other structure, the same shall be sold by or under the direction of the city treasurer; the amount produced by the sale shall belong to and be paid to the fund for

*Compensa-  
tion of offi-  
cers, etc.*

*Expenses, how  
paid.*

*Powers of  
council rel-  
ative to suits.*

*What to be  
evidence of  
ownership of  
property.*

---

paying the compensation awarded for the property taken, and the common council shall cause the proper proportion of such amount to be credited and applied in reduction pro rata of the assessment and apportionment on the assessment district.

Notice of  
filing of  
petition,  
where filed,  
etc.

SEC. 22. To render the filing of a petition in the recorder's court under this act constructive notice to a purchaser of any real estate it shall be the duty of the corporation counsel to file for record with the register of deeds of Wayne county a notice of the filing of such petition, setting forth the title of the cause and the general object thereof, together with a description of the lands to be affected thereby, and it shall thereupon become the duty of the register of deeds to record such notice in a book kept for that purpose upon the payment of the same fees as is provided by law for recording deeds. A copy of such record, authenticated by the register of deeds, shall be evidence of such notice and the filing of same in all courts and places. The register of deeds shall enter in an indexed book kept in his office, such references to said notices as will enable all persons interested to search his office for such notices without inconvenience.

Notice of  
opening of  
street to be  
published.

SEC. 23. Whenever the common council shall determine by resolution, to open any street or alley, a conspicuous notice of such determination shall be published in at least two daily papers in the city of Detroit, which shall be deemed constructive notice, and if after the publication of such notice, any person owning real estate in the line of such street or alley shall build or move a house or other structure upon such real estate in the line of any street or alley ordered opened, such house or structure shall be deemed personal property and shall not be condemned as a part of the realty, but when the street is otherwise opened may be treated as any other obstruction to a street or alley.

Repealing  
clause.

SEC. 24. All acts or parts of acts in conflict herewith are hereby repealed.

Approved June 18, 1903.

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[No. 542.]

AN ACT to amend section two of chapter seventeen of act number three hundred ninety of the Local Acts of eighteen hundred eighty-five and amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred eighty-five.

Section  
amended

*The People of the State of Michigan enact:*

SECTION 1. Section two of chapter seventeen of act three hundred ninety of the Local Acts of eighteen hundred eighty-five and amendments thereto, entitled "An act to amend and

revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred eighty-five, is hereby amended so to read as follows:

## CHAPTER XVII.

SEC. 2. When a petition shall be presented to the common council asking for the sprinkling with water, of any street or highway within the city of Port Huron, or for the grading, curbing, paving, graveling, claying, planking or macadamizing of any street, lane, highway, alley or avenue in said city, or for improving the same by a combination of any such methods, or for repairing to such an extent that a special assessment may be made therefor for the construction of any drain or sewer, the same shall be referred to the superintendent of public works as provided in the chapter in this act relating to the superintendent, and on the coming in of his report the common council shall determine by resolution as to the necessity of doing such work or making such improvement (a two-thirds vote of the aldermen elect being necessary to determine in favor of the same) and if they determine in favor of the same or any part thereof they shall fix the limits of a special assessment district which in case of sprinkling with water of any street or highway within said city, or grading, curbing, paving, graveling, claying, planking or macadamizing, or by improving by a combination of such methods, shall include the lots and premises fronting, touching or abutting on such street, lane, alley, highway or avenue, so proposed to be improved, and in case of drains or sewers shall include such lots, blocks or premises lying contiguous to each other as will in the opinion of the council be benefited by such drain or sewer; and the council may revise, correct, amend or change the plans or specifications, and upon their being finally approved and adopted, the council shall direct the superintendent of public works to advertise in such manner as they may direct for proposals for doing such work and furnishing material therefor according to such plans and specifications, but no bids shall be received unless accompanied by a certified check in such amount as the common council may require. The report of the superintendent of public works to the common council for any public improvements, pavement, sewer or other work whatsoever for which bids may be required, shall be accompanied by the plans and specifications, and upon the adoption of any plans and specifications for any public work whatsoever and before any bids shall be received the said plans and specifications shall be placed on file in the office of the city clerk, who shall at all times keep the same in his office, subject to the inspection of any taxpayer of said city. In the performance of such work, improvement or contract, no deviation from the plans and specifications as adopted shall be permitted by any officer, inspector, or other employee of the city, without authority granted by

Petition for  
street im-  
provements to  
be filed with  
superintend-  
ent of public  
works.

Duty of coun-  
cil on receipt  
of report.

Plans, etc.,  
to accompany  
report.

**Council may alter plans.** the common council by resolution. The common council may at any time, alter said plans and specifications, and any such change made by the common council and the proceedings authorizing such change or deviation shall be by the city clerk attached to the original contract and specifications. In case any officer or other person employed by or representing the city shall knowingly permit or allow any deviation from the plans and specifications as shown by the record in the office of the city clerk, he shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars or imprisonment not exceeding ninety days in the common jail, upon conviction thereof before the police justice in the city of Port Huron.

This act is ordered to take immediate effect.

Approved June 18, 1903.

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[No. 543.]

AN ACT to amend sections sixty-nine, eighty-eight, one hundred and one hundred thirty-a of an act, entitled "An act to reincorporate the city of Ann Arbor, revise the charter of said city and repeal all conflicting acts relating thereto," being act number three hundred thirty-one of the Local Acts of Michigan of eighteen hundred eighty-nine, approved March fifteenth, eighteen hundred eighty-nine, as amended by act number two hundred sixty-two of the Local Acts of eighteen hundred ninety-one, approved March twenty-eighth, eighteen hundred ninety-one, as amended by act number two hundred eighty-two of the Local Acts of eighteen hundred ninety-one, approved April tenth, eighteen hundred ninety-one, as amended by act number three hundred sixty-eight of the Local Acts of eighteen hundred ninety-three, approved April twenty-seventh, eighteen hundred ninety-three, as amended by act number three hundred thirty-six of the Local Acts of eighteen hundred ninety-five, approved March fifteenth, eighteen hundred ninety-five, as amended by act number four hundred sixty-nine of the Local Acts of eighteen hundred ninety-seven, approved June second, eighteen hundred ninety-seven, as amended by act number three hundred fifty-six of the Local Acts of eighteen hundred ninety-nine, approved March thirtieth, eighteen hundred ninety-nine, as amended by act number two hundred seventy-eight of the Local Acts of eighteen hundred ninety-nine, approved February sixteenth, eighteen hundred ninety-nine, as amended by act number three hundred ninety-two of the Local Acts of eighteen hundred ninety-nine, approved May tenth, eighteen hundred ninety-nine.

*The People of the State of Michigan enact:*

**Sections amended.**

SECTION 1. Sections sixty-nine, eighty-eight, one hundred and one hundred thirty-a of an act, entitled "An act to rein-

corporate the city of Ann Arbor, revise the charter of said city and repeal all conflicting acts relating thereto," being act number three hundred thirty-one of the Local Acts of Michigan of eighteen hundred eighty-nine, approved March fifteenth, eighteen hundred eighty-nine as amended by act number two hundred sixty-two of the Local Acts of eighteen hundred ninety-one, approved March twenty-eight, eighteen hundred ninety-one, as amended by act number two hundred eighty-two of the Local Acts of eighteen hundred ninety-one, approved April tenth, eighteen hundred ninety-one, as amended by act number three hundred sixty-eight of the Local Acts of eighteen hundred ninety-three, approved April twenty-seventh, eighteen hundred ninety-three, as amended by act number three hundred thirty-six of the Local Acts of eighteen hundred ninety-five, approved March fifteenth, eighteen hundred ninety-five, as amended by act number four hundred sixty-nine of the Local Acts of eighteen hundred ninety-seven, approved on June second, eighteen hundred ninety-seven, as amended by act number three hundred fifty-six of the Local Acts of eighteen hundred ninety-nine, approved March thirtieth, eighteen hundred ninety-nine, as amended by act number two hundred seventy-eight of the Local Acts of eighteen hundred ninety-nine, approved February sixteenth, eighteen hundred ninety-nine, as amended by act number three hundred ninety-two of the Local Acts of eighteen hundred ninety-nine, approved May tenth, eighteen hundred ninety-nine, are hereby amended so as to read as follows:

SEC. 69. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services. The mayor shall be paid one dollar per annum; the city clerk shall receive one thousand dollars per annum; the city attorney shall receive six hundred dollars per annum; the treasurer shall be entitled to receive such sum as the common council shall allow, not exceeding one hundred dollars per annum: Provided, That the said treasurer shall be entitled to receive, in addition to such salary the fees hereinafter provided for collecting the taxes to be levied and collected in said city. The marshal shall be entitled to receive such compensation not exceeding eighty-three and thirty-three one-hundredths dollars per month, as the common council shall allow; the assessor shall receive one thousand five hundred dollars per annum; the justices of the peace and the constables shall be allowed the same fees as are by law allowed to corresponding township officers; supervisors and all other officers of said city shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices: Provided further, That the common council may increase the compensation of any officer whenever authorized thereto by majority vote of the qualified electors of the said city voting at any annual charter election, ten days notice having been given of the proposed increase.

Compensa-  
tion of offi-  
cers  
  
Proviso.  
  
Further  
proviso.

**Powers of council.** SEC. 88. The common council, in addition to the powers and duties specially conferred upon them by this act, shall have the management and control of the finances, rights, interests, buildings and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, modify, establish, amend and repeal such ordinances, by-laws and regulations as they may deem desirable, within said city, for the following purposes:

**May regulate by ordinance.**

**Public peace.** First, To prevent vice and immorality, to preserve public peace and good order, to organize, maintain and regulate a police force of the city, to prevent and quell riots, disturbances and disorderly assemblages, to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose. To license newsboys, prohibit the sale of indecent and obscene newspapers, or other indecent or obscene publications, and authorize the seizure and destruction of the same;

**Disorderly houses.** Second, To restrain and prevent disorderly and gaming houses and houses of ill-fame, and to seize and destroy all instruments and devices used for gaming, and to prohibit all mock auctions, gaming and fraudulent practices and devices, and to regulate and restrain billiard tables and bowling alleys;

**Intoxicating liquors.** Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drank any intoxicating or fermented liquors to any common drunkard, or to any child or young person, and to prohibit, restrain and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers: Provided, That no person shall keep a saloon or other place except a drug store, where any spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold, or kept for sale, at wholesale, or retail, in all that part of the city of Ann Arbor lying south and east of the following described line: Beginning on Fuller street at the city limits of said city and running thence westerly along Fuller street to Detroit street; thence southwesterly along Detroit street to Division street; thence south on Division street and Division street as extended south to the city limits south of said city of Ann Arbor;

**Proviso as to certain part of city.** Fourth, To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money, except exhibitions of agricultural, educational or religious societies or associations, or local musical societies;

**Exhibitions.** Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, slaughter-house, glue, starch or soap factory, establishment for rendering tallow, lard or oil, and

**Nuisances.**

all establishments where any nauseous, offensive, or unwholesome business may be carried on, blacksmiths', coopers', cabinet makers', carpenters' and joiners' shops, and all buildings, business and establishments of any kind usually classed as extra hazardous in respect to fire; tannery and stable, privy, hog-pen, sewer, or any other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as the health, comfort and convenience or safety of the inhabitants of said city may require;

Sixth. To direct the location of all slaughterhouses, markets, stables, and building for storing gunpowder or other combustibles or explosive substances; Slaughter houses, etc.

Seventh. To regulate the buying, carrying, selling and using Explosives. of gunpowder, fire crackers or fireworks manufactured or prepared therefrom, and other combustible materials, and the exhibitions of fireworks, and the discharge of firearms, and lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards;

Eighth. To prevent the encumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges or aqueducts, drains or ditches, in any manner whatever; Encumbrances.

Ninth. To prevent and punish horse racing and immoderate Racing. driving or riding in any street, or over any bridge, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city;

Tenth. To determine and designate the routes and grades of Railroads. any railroad coming into or passing through said city, and to restrain and regulate the use of locomotives, engines, and cars upon any railroad within the city;

Eleventh. To prohibit or regulate bathing in any public Bathing. water, or in any open or conspicuous place, or any indecent exposure of the person in the city;

Twelfth. To arrest and punish drunkards and persons found Drunkards. drunk in the streets, lanes, alleys or public places of said city, disorderly persons, vagrants, common prostitutes, street walkers, mendicants, street beggars and persons soliciting alms and subscriptions for any purposes whatever;

Thirteenth. To establish and regulate one or more pounds, Pounds. and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Fourteenth. To prevent and regulate the running at large Dogs. of dogs, and to impose taxes on the owners of dogs, and to prevent dog fights in the city;

Fifteenth. To prohibit any person from bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substances, and to require the removal or destruction thereof; and if any person shall have on his premises such substances or any putrid meats, fish, hides or skins of any kind, and shall neglect or refuse to remove the Dead carcasses, etc.

**Sidewalks.** same when ordered, to authorize the removal or destruction thereof, as a public nuisance, by some officer of the city;

**Auctions.** Sixteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them, clear from snow, ice, dirt, wood or other obstruction;

**Watchmen.** Seventeenth, To regulate the ringing of bells and crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

**Buildings.** Eighteenth, To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies;

**Cemeteries.** Nineteenth, To prohibit, restrain or regulate within such parts of the city as they may deem expedient, and prescribe the building, rebuilding, enlarging, repairing or placing of wooden buildings therein; to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars;

**Markets.** Twentieth, To provide for obtaining, holding, regulating and managing burial grounds, within or without the city, when established for the benefit thereof; and to regulate the burial of the dead, and to compel the keeping and return of bills of mortality;

**Proviso.** Twenty-first, To establish, order and regulate market places, to regulate the vending of wood, hay, meat, vegetables, fruits, fish and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food or provisions; impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale; and to provide for and regulate the inspection of animals used for food, and the slaughter of the same: Provided, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

**Waterworks.** Twenty-second, To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water; and to authorize and employ, under such regulations and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city, for the purpose of supplying the inhabitants of said city with water; and to grant such exclusive privileges as they may deem expedient to any company organized to supply said city and its inhabitants with water; and to contract with such company to supply the city with water for fire and other public purposes;

**Sextons,  
undertakers,  
scavengers,  
etc.** Twenty-third, To regulate sextons and undertakers for burying the dead, cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation; and

to make regulations for preventing auctions, peddling, pawn-brokerage, or using for hire carts, drays, cabs, hacks or any kind of carriage or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon or other houses or place for furnishing meals, food or drink, or billiard tables or ball alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept or used for hire; for licensing and regulating auctioneers, peddlers, pawnbrokers, junk dealers, dealers in second-hand goods and merchandise, and transient tradesmen, auctions, peddling, pawnbrokerage, taverns, hotels, victualing houses, restaurants, saloons, or other houses for furnishing meals, food or drink, and keepers of billiard tables and ball alleys not used for gaming. Whoever occupies any premises within the city of Ann Arbor, for a temporary period only, and is not assessed for taxes in said city, and who offers for sale goods, wares, or merchandise, is hereby defined and declared to be a transient tradesman;

Transient  
tradesmen.

Twenty-fourth, To regulate, license, and control hackmen, omnibusmen, porters, runners and all others soliciting passengers and others to ride in any hack, omnibus or carriage, or upon any railway, or to go to any hotel or other place, and to prevent said hackmen, omnibusmen, porters and runners from entering within any railroad station, at such times as the common council may determine;

Twenty-fifth, To make regulations for the lighting of the streets and alleys and the protection and safety of public lamps;

Twenty-sixth, To provide for and regulate the numbering of buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;

Numbering of  
buildings.

Twenty-seventh, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time and executing the same in cases not otherwise provided for by law;

Duties and  
compensation  
of officers.

Twenty-eighth, To provide for the cleansing and preserving of the salubrity of the waters of the Huron river, or other streams within the limits of the city; to fill up all low ground or lots covered or partially covered with water, or to drain the same, as they may deem expedient;

Salubrity of  
Huron River.

Twenty-ninth, To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city;

Carriage  
stands.

Thirtieth, To provide for taking a census of the inhabitants Census.

of said city, whenever they may see fit, and to direct and regulate the same;

**Grades.** Thirty-first, To establish a grade for streets and sidewalks and cause the sidewalks to be constructed in accordance with the same;

**Weights and measures.** Thirty-second. To prescribe the duties of sealer of weights and measures and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided;

**Drains, etc.** Thirty-third, To direct and regulate the construction of cellars, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, barn, drain, sink or privy thereon;

**Poor persons.** Thirty-fourth. To provide for the protection and care of poor persons and of paupers, and to prohibit and prevent all persons from bringing or sending to the city from any other place any pauper or any other person likely to become a charge upon said city, and to punish therefor; to provide by ordinance for the election or appointment of an overseer of the poor for the city, and to prescribe his duties and vest him with such authority as may be proper for the exercise of his duties, and to provide for the organization of a board of poor commissioners, who shall serve without compensation;

**Grade crossings.** Thirty-fifth, To provide for and change the location and grade of street crossing of any railroad track, and to compel any railroad company or street railway company to raise or lower their railroad track to conform to street grades, which may be established by the city from time to time, and to construct street crossings in such a manner as the council may require, and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains therat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles an hour, and to impose a fine of not less than five or more than fifty dollars upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

**Suits, how commenced against city.** SEC. 100. All actions against the city of Ann Arbor shall be commenced by summons, which shall be served upon the city clerk at least six days before the return thereof, by giving him a copy of said summons with the name of the officer serving the same endorsed thereon; or in case of the absence of the said city clerk from the city, then by leaving such copy with the mayor, endorsed as aforesaid: Provided, That no suit shall be maintained against the city until the claim whereon the same is founded shall have been presented to the common

**Proviso.**

council of said city, duly verified, at a regular meeting of the same, for allowance, and until after one regular meeting of the common council shall intervene: And provided further, <sup>Further proviso.</sup> That all claims for damages against the city growing out of the negligence or default of said city, or of any officer, or employe thereof, shall be presented to the common council of said city, in the manner above provided, within sixty days after such claim shall arise, and in default thereof shall thereafter be forever barred; and in any action in any court on any such claim, the claimant shall be required to show that such claim has been duly presented in the manner in this act specified, to the common council of said city.

SEC. 130a. Whenever the common council shall order any local or public improvement, the cost of a part or the whole whereof it is proposed to assess and levy on the lands, premises and tenements, which are benefited thereby, they shall by resolution so declare, and determine what part of the whole thereof, shall be levied and assessed upon the owners of the lands, premises and tenements deemed to be thus benefited, and thereupon they shall by resolution fix and determine the district or portion of the city benefited and specify the amount to be assessed upon the owners and against the taxable real estate situate therein: Provided, That no such assessment for the pavement of any street or alley shall be made or collected other than by general tax, unless upon the petition for such pavement, signed by the parties owning a majority of the foot frontage of the real estate on the line of such street or part thereof proposed to be paved. <sup>Proviso.</sup>

This act is ordered to take immediate effect.

Approved June 18, 1903.

Council to declare improvements by resolution.

[No. 544.]

AN ACT to prohibit the business of manufacturing, selling, furnishing, delivering, or keeping for sale sacramental and intoxicating liquors, or malt, brewed, and fermented liquors and vinous liquors, in any township or part of township and in any village of less than five hundred population, within the county of St. Clair, State of Michigan, except by the keeper of a hotel, and to define the term "hotel."

*The People of the State of Michigan enact:*

SECTION 1. In any township or part of township and in villages of less than five hundred population within the county of St. Clair in this State, it shall not be lawful for any person, firm or corporation to engage in the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors and malt, brewed, or fer-

When liquor not to be sold.

mented liquors and vinous liquors, unless such person is the keeper of a hotel and has complied with all the general laws of this State regulating the liquor traffic.

Defining what shall constitute hotel.

SEC. 2. The term "hotel" as used in this act shall mean a building regularly used and kept open as such for the feeding and lodging of guests, where all who conduct themselves properly and who are able and ready to pay for their entertainment, are received if there be accommodations for them, and who, without any stipulated engagement as to the duration of their stay, or as to the rate of compensation, are, while there supplied at a reasonable charge, with their meals, lodgings, refreshments and such service and attention as are necessarily incident to the use of the place as a temporary home, and in which the only other dwellers shall be the family and servants of the hotel keeper. Such building shall contain at least ten bedrooms above the basement exclusive of those occupied by the family and servants, each room properly furnished to accommodate lodgers, and separated by partitions at least three inches thick, extending from floor to ceiling, with independent access to each room by a door opening into a hallway, each room having a window or windows with not less than eight square feet of surface opening upon a street or open court, light shaft or open air, and each having at least eight feet square of floor area and at least six hundred cubic feet or space therein; a dining-room with at least three hundred square feet of floor area, which shall not be a part of the bar-room, with tables, and having suitable table furniture and accommodations for at least twenty guests therein at one and the same time, and a kitchen and conveniences for cooking therein sufficient to provide bona fide meals at one and the same time for twenty guests.

Penalty for violation.

SEC. 3. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars and costs of prosecution or by imprisonment in the county jail of not less than ten days and not more than ninety days, or by both such imprisonment and fine, in the discretion of the court and in case such fine and costs shall not have been paid at the time such imprisonment expires, the person serving out such penalty shall be further detained in jail until such fine and costs shall be entirely paid: Provided, That the imprisonment shall not exceed six months.

Approved June 18, 1903.

Proviso.

## [No. 545.]

AN ACT to provide for the creation of a board of county auditors for the county of Washtenaw, and to define its powers and duties.

*The People of the State of Michigan enact:*

SECTION 1. Within fifteen days after this act shall take effect it shall be the duty of the commissioner of schools, the prosecuting attorney and the register of deeds of Washtenaw county, any two of whom shall be a quorum with power to act as hereinafter set forth, to meet at the courthouse in said county and appoint three county auditors, one to hold office until January first, nineteen hundred four, the second to hold office until January first, nineteen hundred five, and the third to hold office until January first, nineteen hundred six, and they shall file with the county clerk of said county the names of the auditors by them appointed, and the said clerk shall forthwith notify such appointees of such appointment. And it shall be the duty of the board of supervisors of said county of Washtenaw at its annual session in October, nineteen hundred three, and at each annual October session thereafter to elect one member of said board of auditors for a term of three years, said term to commence on the first day of January next thereafter, and the clerk of said board of supervisors shall notify the one so chosen of his election. No member of the board of supervisors shall be eligible to hold the office of county auditor.

SEC. 2. The persons so chosen as members of said board of county auditors shall before entering upon the duties of their offices and within ten days after the notice of their election take and subscribe the oath of office in the same manner as members-elect of the board of supervisors and shall file the same with the county clerk. Said board of auditors shall organize by electing one of their number chairman. The county clerk shall be ex-officio clerk of the board of auditors.

SEC. 3. Such board when organized shall meet in the court house at the county seat of said county on the first Monday of each month thereafter and shall have the power to hear, examine and adjust all claims against the county of Washtenaw, and the sum so fixed and defined shall be subject to no appeal. Said board of auditors shall have all the rights, powers, duties and liabilities relating to said claims, which now belong to and are exercised by the board of supervisors in said county, except claims arising from the action of the superintendents of the poor, drain commissioner and claims for extra compensation for the services of county officers, and no bills against the county of Washtenaw shall be audited, allowed or paid with the above exceptions in any other manner than is provided for in this act.

SEC. 4. Such board shall keep a full and complete record of its proceedings, a list of claims presented and the action taken, draw warrants, etc.

of its individual members thereon and shall draw warrants upon the county treasurer for the payment of all claims allowed, which warrants shall be signed by the chairman and attested by the clerk of the board; and it shall be the duty of the county treasurer of the county of Washtenaw to pay on presentation to him all warrants drawn as herein provided. Such board shall provide for the publication of its proceedings.

**Vacancies,  
how filled.**

SEC. 5. A majority of such board shall be qualified to transact business and any vacancy upon the board shall be filled by the remaining members thereof, for the remainder of the unexpired term. The members of the board shall hold their offices until their successors are appointed and qualified.

**Compensa-  
tion.**

SEC. 6. The board of county auditors shall remain in session not exceeding three days in each month, and each member shall receive for his services the sum of five dollars per day, and six cents per mile for traveling expenses one way by the usual traveled route from his home to the county seat. The county clerk shall receive a reasonable compensation for his services as clerk of the board, which shall be allowed by the board of supervisors, or taken into consideration by the board of supervisors in fixing his salary as county clerk.

**Repealing  
clause.**

SEC. 7. All acts and parts of acts inconsistent with this act shall be inoperative so far as they relate to the county of Washtenaw.

This act is ordered to take immediate effect.

Approved June 18, 1903.

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[ No. 546.]

AN ACT to amend sections three, five and six of act number three hundred and forty-six of the Local Acts of eighteen hundred and ninety-seven, entitled "An act to incorporate the public schools of the city of Ironwood in the county of Gogebic, and to repeal all acts and parts of acts inconsistent therewith," and to add three new sections thereto to stand and be known as sections three-a, three-b and three-c.

**Sections  
amended.**

*The People of the State of Michigan enact:*

SECTION 1. Sections three, five and six of act number three hundred and forty-six of the Local Acts of eighteen hundred and ninety-seven, entitled "An act to incorporate the public schools of the city of Ironwood in the county of Gogebic, and to repeal all acts and parts of acts inconsistent therewith," are hereby amended so as to read as follows: and there are added three new sections thereto to stand and be known as sections three-a, three-b and three-c.

**Annual meet-  
ing, when  
held.**

SEC. 3. The annual meeting of said district for the election of trustees of said district shall be held on the second Monday of July in each year, at such place as shall be designated by

the board of trustees. The election of officers shall be by ballot, and the person, or persons, in case of the election of two or more trustees at the same time, receiving the greatest number of votes cast at such election shall be declared elected to the office of trustee. The election shall be conducted as near as may be as provided by law for the election of city officers for the city of Ironwood. The polls at said election shall be opened at ten o'clock in the forenoon or as near thereafter as may be, and kept open continuously until nine o'clock of the evening of said day, and no longer. As soon as the polls are closed, the board of inspectors shall immediately proceed to canvass the votes, declare the result thereof, and make out and file a statement of the same with the director of the board of trustees.

Election, how conducted.

SEC. 5. The board of trustees of said district shall on or before the second Monday in July of each year make an estimate of the entire amount of money necessary to be levied and collected in said district, in addition to other funds, for the entire support of the schools thereof for the ensuing year, and shall, by resolution, duly entered on their records, vote the same to be levied and collected upon the taxable property of the district in the same manner as provided by the general tax law of the State. A complete statement of all taxes so voted by the board of trustees shall be certified by the moderator and director of said board to the city clerk of the city of Ironwood on or before the first day of October in each year, who shall file said statement in his office, and immediately make out and deliver a true copy thereof to the assessor of the city of Ironwood, who shall dispose thereof in the same manner as statements of school taxes are disposed of by supervisors in townships.

Board to make estimate of money needed.

Statement of taxes, how certified.

SEC. 6. Whenever it is necessary to designate a school site, or to erect and furnish new school buildings in said district, the said board of trustees shall call a meeting of the qualified electors of said district at such time and place as said board may determine, and submit said question to said electors. And said district may borrow money for said purposes on the faith and credit of said district, and issue its bonds therefor. But the bonded indebtedness of said district shall not exceed at any one time the sum of seventy-five thousand dollars. The manner of bonding shall be the same as provided by the school laws of the State.

Question of site or buildings to be submitted to electors.

SEC. 3a. The board of registration and the inspectors of election shall consist of any three members of said board of trustees which it shall designate, or of any three qualified electors of said district duly appointed by said board. The board of trustees shall also appoint two clerks of election and such other officers as they may deem necessary to carry out the provisions of this act. They shall receive such compensation for their services as the board of trustees may prescribe.

Who to be inspectors, etc., of election.

Election commissioners,  
how constituted, duties,  
etc.

SEC. 3b. On or before the twentieth day of June in each year, the board of trustees shall appoint three election commissioners. All nominations for the office of trustee shall be made by petition signed by at least twenty-five qualified electors of said district. All petitions of nomination shall be filed by the respective candidates with said election commissioners at least five days before the election. After said five days have elapsed the election commissioners shall proceed to determine by lot the place which each candidate shall have upon the official ballot. And thereupon said commissioners shall cause to be printed ballots in the same manner and form as near as may be, as now used in the election of city officers in the city of Ironwood. They shall deliver said ballots when printed to the director of the board of trustees the day preceding the day of election. Nothing contained herein, however, shall be construed so as to prevent any elector from voting for any person by writing the name of his candidate or candidates in pencil on his ballot.

Compensa-  
tion of  
officers.

SEC. 3c. The board of trustees may vote such compensation to its officers as may be just and reasonable, but the entire amount so voted shall not exceed six hundred dollars per annum, unless the qualified electors of said district shall, at a district meeting thereof, vote a greater compensation as provided by law.

This act is ordered to take immediate effect.  
Approved June 18, 1903.

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[No. 547.]

AN ACT to provide for the stenographic reporting of criminal examinations before justices of the peace, contested cases before the probate court and proceedings before the grand jury in Ingham county.

*The People of the State of Michigan enact:*

When circuit  
court sten-  
ographer to  
take notes,  
etc.

SECTION 1. From and after the passage of this act it shall be the duty of the circuit court stenographer of the county of Ingham, by himself or his deputy, when so requested by the circuit judge, or probate judge of said county or the prosecuting attorney of said county or the attorney for the defendant in any criminal examinations before justices of the peace, to attend any criminal examination before a justice of the peace or magistrate, held for the purpose of determining whether any party charged with an offense shall be bound over to the circuit court for trial; any contested case before the judge of probate in which witnesses shall be sworn and testimony given; or any grand jury held in said county; and to take said testimony and proceedings down in shorthand and

thereafter to properly index and file such shorthand notes of the testimony and proceedings so taken in the same manner as is required to be done in the case of shorthand notes taken in the circuit court.

SEC. 2. It shall also be the duty of said stenographer to furnish in the case of criminal examinations before justices or magistrates, two typewritten copies of his notes so taken in each criminal examination before such justice, one copy thereof to the prosecuting attorney and one copy to be filed with the justice or magistrate to be returned to the circuit court; also to furnish, in the case of proceedings before the grand jury, to the prosecuting attorney, a copy of the whole or any part of such testimony or proceedings as may be given before said grand jury at any time when he may request the same; and it shall not be unlawful for said stenographer to so furnish a transcript of his notes taken before the grand jury to the prosecuting attorney when so requested as herein provided; it shall also be the duty of said stenographer to furnish to any person who may request or require the same, except in the case of proceedings before the grand jury (which may be furnished to the prosecuting attorney as herein provided) one or more typewritten copies of the whole or any part of the stenographic notes of any proceedings reported by him as herein provided upon payment to said stenographer at the rate of eight cents per folio for each folio of matter so furnished; and whenever said stenographer shall furnish to the prosecuting attorney, judge of probate, magistrate or circuit judge, for the use of the county a transcript of all or any part of his notes taken as herein provided, he shall be entitled to receive for the same from the county of Ingham not to exceed eight cents per folio.

SEC. 3. Said stenographer shall receive for attending and reporting the proceedings hereinbefore mentioned the sum of five dollars per diem to be paid by the county of Ingham.

This act is ordered to take immediate effect.

Approved June 18, 1903.

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[No. 548.]

AN ACT to provide for a division and apportionment of all of the real and personal property and credits within the territory of the former township of Hillman, in Montmorency county, belonging to the Union School District of the township of Hillman, between the said township of Hillman and the township of Avery, in Montmorency county.

*The People of the State of Michigan enact:*

SECTION 1. All of the real and personal property and credits within the territory of the former township of Hillman, in Montmorency county, belonging to the Union School District

Property, how divided.

of the township of Hillman, shall be divided and apportioned between the said township of Hillman and the township of Avery.

Township board to divide.

SEC. 2. The township boards of the said townships of Avery and Hillman shall have the power and it shall be their duty to, as soon as may be divide and apportion the said property of the said Union School District of the township of Hillman between the said township of Avery and the said township of Hillman.

Law governing.

SEC. 3. The rule of division and apportionment upon which the said property shall be divided and apportioned by the said township boards shall be the same as is now provided in compiler's section two thousand four hundred nine of the Compiled Laws of Michigan of eighteen hundred ninety-seven.

Debts, how apportioned.

SEC. 4. The debts of the said Union School District of the township of Hillman shall be apportioned in the same manner as the personal property of said district; and each township shall thereafter be charged with, and pay its share of the debts, according to such apportionment.

Meeting of board, how called.

SEC. 5. A meeting of the township boards of the two townships may be called by either of the supervisors of such townships for the purpose of making such division and apportionment, by giving six days notice in writing to all of the members of such township boards, of the time and place at which such meeting is to be held.

Proceedings in case boards disagree.

SEC. 6. In case the township boards of said townships, shall neglect or refuse to meet as provided in the preceding sections, or having met shall refuse or neglect to arrive at a settlement of the matters and things by making a division and apportionment, as herein provided, the township whose board shall so neglect or refuse shall be liable to an action for an accounting and settlement in a suit in chancery, in accordance with the practice therein in the same manner and to the same effect as may be had between individuals or corporations, and all of the provisions of law relative to settlements between townships on divisions thereof, shall be applicable hereto, so far as the same can apply: Provided, That in case of a suit in chancery for an accounting, as herein provided, the complainant and defendant shall be the said townships, only.

Proviso.

This act is ordered to take immediate effect.  
Approved June 18, 1903.

## **CERTIFICATE.**

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**MICHIGAN**  
**DEPARTMENT OF STATE**  
**LANSING.**

I, Fred M. Warner, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the Legislature of one thousand nine hundred three was on the eighteenth day of June in the year of our Lord one thousand nine hundred three.

IN WITNESS WHEREOF, I have hereunto set my hand and  
caused the great seal of the State of Michigan to be  
[L. S.] affixed this first day of July, A. D. one thousand nine  
hundred three.

**FRED M. WARNER,**  
**Secretary of State.**



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## **APPENDIX**

**CONTAINING**

# **Certified Statements of Boards of Supervisors**

**RELATIVE TO THE**

**ERCTION AND CHANGE OF BOUNDARIES OF TOWNSHIPS.**

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## APPENDIX.

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### CHIPPEWA COUNTY.

In the matter of the organization of the township of Bay Mills.

Supervisors' Room, Court House, January 7th, 1902, 2 o'clock p. m.

Pursuant to adjournment the board of supervisors met in the supervisors' room, at the court house, at 2 o'clock in the afternoon. Present at roll call—Supervisors Curtis, Field, Given, Harrison, Hawkins, Lewis, Metzger, McCoy, Parker, Price, Seaman, Stevenson, Sparling, Tremblay, Vanderhook, Wright and Stradley. (17) Absent—Supervisors Osborn, Smith, Taylor, (3). The minutes of the proceedings of the board on Oct. 25th, 1901, and minutes of this forenoon's proceedings were read, approved and signed.

A petition was then read by the clerk for the division of the township of Superior, and the organization of a new township called Bay Mills.

A protest signed by numerous citizens of the township of Superior was also read by the clerk, protesting against the division of said township. Mr. J. D. Scribner and Mr. A. W. Reinhard addressed the board protesting against the division.

Mr. E. S. B. Sutton addressed the board in favor of the petition.  
By Supervisor Price, supported by Supervisor Vanderhook:

Resolved, That the chairman be authorized to appoint a committee of five, with the prosecuting attorney, to investigate the matter of the petition to organize a new township called Bay Mills, out of the township of Superior, and said committee be instructed to report to this board of their action in the matter at 2 o'clock in the afternoon of Thursday, January 9th, 1902.

Carried by all members present voting therefor.

The chairman thereupon appointed Supervisors Price, Field, Lewis, Sparling and Wright a committee of five to act with the prosecuting attorney as per the aforesaid resolution, and the committee instructed.

The board thereupon adjourned until tomorrow afternoon at 2 o'clock.

JOHN G. STRADLEY,

Chairman.

JNO. E. PARSILLE,

Clerk.

Supervisors' Room, Court House, January 9th, 1902, 2 o'clock p. m.

Pursuant to adjournment the board met in the supervisors' room, in the court house, at 2 o'clock in the afternoon. Present at roll call—Supervisors Curtis, Given, Harrison, Hawkins, Lewis, Metzger, McCoy, Osborn, Parker, Price, Seaman, Smith, Stevenson, Sparling, Taylor, Tremblay, Wright and Stradley. (18) Absent—Supervisors Field and Vanderhook. The minutes of the proceedings of the board of January 7th, and of yesterday were read and approved and signed. The committee to whom was referred the petition for the division of the township of Superior presented the following report:

January 9th. 1902.

Honorable Board of Supervisors, County of Chippewa:

Gentlemen—Your committee to whom was referred the matter of dividing Superior township, would respectfully recommend that the petition favoring division be granted, eliminating section 31, Tp. 47 N., R. 2 W.

Signed. Fred R. Price, J. W. Sparling, N. L. Field, Geo. Wright, W. H. Lewis.

In the matter of the application of certain freeholders for the erection and organization of a new township to be called Bay Mills, in the county of Chippewa and State of Michigan.

On motion of Supervisor Price, supported by Supervisor Sparling, Resolved, That, whereas an application has been duly made and filed with the board of supervisors of the county of Chippewa and State of Michigan, by James Bertram, Stephen Burns, John Yon, Joe Hazel, Lewis Wilks, Fabian Revail, John Hill, Alexander McKay, S. J. Johnston, John Mills, Benj. Vanluvan, W. S. Esson, Napoleon Forrest, Bert Hambleton, C. W. Erickson, David McKay, Ernest Orr, D. C. McKiddie, Augustus Bertram, Patrick O'Reilly, F. F. Evans, James Lawless, Alex. Wynn, David Crowley, John McKay, Hector McKay, Calvin Vanluvan, George Robinson, William Collins, James O'Brien, Ed. Florence, Thos. Darcy, Donald McLellan, J. J. Sullivan, Eli Neversorry, James Sutton, Alfred Videau, John Galbraith, James Bertram Jr., Joseph Teeple, Henry Mills, William McKay, Alfred Scales, C. L. Perkins, Thos. Scott, Nap. StLouis, Wm. J. Graham, P. J. Clow, Annias Morris, freeholders residing in the said township to be affected thereby. All of whom are freeholders and reside in the township to be affected thereby for the erection and organization into a new township of the territory hereinafter described and the said board having been furnished with a map of all the property to be affected thereby and it appearing to said board by due proof that notice in writing of such intended application signed by at least twelve freeholders of the township to be thereby affected has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that said application ought to be granted.

Thereupon it is ordered and determined by the said board that the territory described as follows, to wit: All of town forty-seven (47) north, range two (2) west, in said county of Chippewa, and State of Michigan, excepting and reserving therefrom, section thirty-one (31), of said township, be and the same is hereby erected and organized into a new town-

ship to be called and known as the township of Bay Mills, and that the first annual township meeting therein shall be held in the building known as and called Town Hall, at Bay Mills, Michigan, on the 7th day of April next, and that John W. Sparling, John Galbraith, Amos Scanlan, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said township meeting, appoint a clerk, open and keep the polls and to exercise the same powers and authority as the inspectors of any township meeting may exercise under the laws of the State of Michigan.

Carried as follows: Yeas—Supervisors Curtis, Given, Harrison, Hawkins, Lewis, Metzger, McCoy, Osborn, Parker, Price, Seaman, Smith, Stevenson, Sparling, Taylor, Tremblay, Wright, and Stradley.—(18.) Nays none.

The board thereupon adjourned until tomorrow afternoon at 2 o'clock.

JOHN G. STRADLEY,  
Chairman.

JNO. E. PARSILLE,  
Clerk.

STATE OF MICHIGAN, {  
County of Chippewa, } ss.  
Office of County Clerk. }

I, John E. Parsille, clerk of the board of supervisors of said county, do hereby certify that the annexed is a true and accurate copy of original resolution passed and adopted by the board of supervisors, on the ninth day of January, 1902 A. D., in my custody and keeping as such clerk of the board of supervisors; that I have carefully compared said copy with said resolution relating to the erection and organization of a new township to be called and known as the township of Bay Mills, in Chippewa county, Michigan, and that the same is a true and accurate copy of said original and of the whole of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the circuit court of said county this  
[L. S.] fifteenth day of April, 1902 A. D.

JNO. E. PARSILLE,  
Clerk.

### CLARE COUNTY.

In the matter of the incorporation of the township of Lincoln.

Harrison, Mich., October 14, 1902, 8 o'clock a. m.

Board called to order by the Chairman. Roll called. Members present and absent, as follows: Present—Mr. Carey, Carson, Chapin, Clark, Gordonier, Gordon, Hampton, Jackson, Jennings, Kelley, Lacy, Looker, McDonald, McIntosh, Pierce, Seamon, Stoll, Vanbenschoten, Wilson, Wright and Brown.—Total 21. Absent—None.

Mr. Chapin submitted to the board the petition praying for the organization of a new township to be known as the township of Lincoln, and

to be comprised of townships 18 N. R. 5 W. and 18 N. R. 6. W., and read said petition to the board, and after having so submitted said petition, and the papers attached and pertaining thereto, offered the following resolution, and moved its adoption:

Resolved, That the petition of the freeholders of 17-5 and 18-5 and 18-6 be received and accepted and the prayer of said petitioners be granted, and that a new township comprised of townships 18 north of range 5 west and township 18 north of range 6 west be detached from said township of Surrey and erected and organized into a new township; that said new township be named "Lincoln." That the first annual township meeting thereof be held in the school house in and for school district No. 5 of 18-5 situated on section eight in township 18 north of range 5 west at Lake George on the fifteenth day of December, A. D. 1902, and that the following named persons shall be named as the electors to preside at said meeting, namely, J. R. Borst, James M. Wellman and L. B. Updike; that the first township meeting to be held in the township of Surrey hereafter, from which the above mentioned township is set off, namely, township 17 north of range 5 west, shall be held on the first Monday in April, 1903, in the town hall situated in Surrey township (village of Farwell) in township 17 north of range 5 west, and that A. J. Darling be appointed to post notices of the first annual town meeting to be held in said new township, and that N. D. Watkins be appointed to post notices of the first annual town meeting to be held in said township of Surrey, to wit, township 17 north of range 5 west, as required by Sec. 2489 of Compiled Laws of 1897.

E. R. Chapin.

The resolution being before the board, and subject to discussion, Thereupon Mr. Kelley presented and read to the board, a petition remonstrating against the organization of such new township, signed by divers persons residing in the townships to be affected thereby, and

Mr. Kelley moved, as an amendment to said resolution, that the said petition and all papers pertaining thereto, as well as the said petition of remonstrance, be referred to the prosecuting attorney for his opinion thereon as to the legality of the proceedings with reference to such organization of such new township, and that said prosecuting attorney report, with his opinion thereon to this board on Thursday next, at 1:30 o'clock p. m. Which motion prevailed.

The question then being upon the original resolution, as amended, the same prevailed.

JOHN GORDON.

Chairman.

F. M. MORRISSEY,

County Clerk.

Harrison, Mich., October 16th, 1902, 7:30 o'clock a. m.

Board called to order by the chairman. Roll called. Members present and absent, as follows: Present—Mr. Brown, Carey, Carson, Chapin, Clark, Gordanier, Gordon, Hampton, Jackson, Jennings, Kelley, Lacy, Looker, McDonald, McIntosh, Pierce, Seamon, Stoll, Vanbenschoten, Wilson and Wright.—Total 21. Absent—None.

Thursday, 1:30 p. m.

Mr. Kelley moved that the matter of the application and the petition for the organization of the new township of Lincoln be taken up by the board. Which motion prevailed.

The written opinion of the prosecuting attorney, as to the legality of the proceedings in said application and petition was reported to the board, and read by the clerk.

Mr. Chapin moved that the resolution granting the prayer contained in said petition, heretofore offered, be adopted.

After considerable discussion, and after hearing persons resident of said townships to be affected by the organization of such new township, who were interested in the proceedings with reference to such application and petition, the resolution was put upon its passage, the same prevailing by yeas and nays, as follows:

Yea—Mr. Brown, Carey, Chapin, Clark, Gordanier, Gordon, Hampton, Jackson, Jennings, Looker, McIntosh, Pierce, Seamon, Stoll, Vanbenschoten, Wilson and Wright.—17. Nays—None.

JOHN GORDON.

Chairman.

F. M. MORRISSEY,

County Clerk.

STATE OF MICHIGAN, } ss.  
County of Clare.

I, Francis M. Morrissey, clerk of said county, and of the circuit court thereof, the same being a court of record, having a seal, do hereby certify, that I have compared the foregoing copy of the record of the action of the board of supervisors of said county, in the matter of the organization of the new township of Lincoln, in said county, with the original record thereof now remaining in my office and find the same to be a correct transcript therefrom, and of the whole of such original record.

[L. s.] IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said circuit court, at Harrison, in said county, this fifteenth day of November, A. D. 1902.

FRANCIS M. MORRISSEY,  
County Clerk of Clare County.

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#### HOUGHTON COUNTY.

In the matter of the petition of certain freeholders to detach certain lands from the township of Hancock, in the county of Houghton, and to organize the same into a new township. The township of Stanton.

A meeting of the board of supervisors for the county of Houghton was held pursuant to adjournment at the office of the county clerk, in the village of Houghton in said county, on Tuesday, April 14, A. D. 1902.

The following preamble and resolution were presented:

WHEREAS, Written application has been made to this board, signed by twelve and more freeholders of the township of Hancock in the county of Houghton, residing in that part of the territory of said township not included within the territory sought to be set off from said township and erected into a new township, and by twelve and more freeholders of said township of Hancock residing in that portion of its territory sought to be set off, praying that a certain portion of said township of Hancock containing lands, a description of which is hereinafter fully set forth, be set off from and taken out of said township of Hancock and be erected into a new township to be called the township of Redridge.

AND WHEREAS, It appears to the board by written proof and by affidavit on file that notice in writing of such intended application subscribed by more than twenty-four freeholders of said township, twelve and more of whom reside in that portion of said township sought to be set off and twelve and more of whom reside in that portion of said township outside of that sought to be set off, was duly posted, according to law, in five and more of the most public places in the said township of Hancock, that being the only township affected by said application, four weeks and upwards next previous to the day when such application is to be presented to the board, according to said notice, and that a true copy of such notice has been published, according to law, once in each week for four successive weeks and upwards immediately preceding the day named in said notice for the hearing of said matter, in the Daily Mining Gazette, a newspaper printed and published in the said county of Houghton, the first publication being on the 1st day of March, 1902, and the last publication being on the 5th day of April, 1902, and said application for the erection of such new township now coming on duly to be heard before the board on the day and at the time and place at which such application was noticed to be heard as in and by said notice on file with the clerk of the board will appear, and by a vote of this board the further consideration of said matter having been adjourned and postponed to a meeting of this board to be held on the 14th day of April, 1902, at the same place, and the matter of said petition having again come before this board at said adjourned time and having been further considered.

Now, after hearing the reasons of such application and the reasons against the same and due consideration being had by the board thereon, it is now resolved, pursuant to the statute in such case made and provided, as follows:

That in accordance with the request of said application, this board having been furnished with a map of all the townships to be affected by the proposed division showing the proposed alterations, said application be and the same is hereby granted and that the following described territory, being now part and parcel of the said township of Hancock in this county, be and the same is hereby detached from said township of Hancock and erected and formed into a new township in said county to be designated and known by the name of the township of Stanton. That the first annual meeting of said new township of Stanton be held at the school house in the place called and known as Redridge, in the same territory hereinafter described on the 5th day of May, 1902, at nine o'clock in the forenoon, and shall remain open according to law in such case made, and that the following persons residing in the territory hereinafter described, to wit: Frederick G. Coggin, Albert Everett and Wil-

lian E. Carpenter (they being electors of such township) be and they are hereby designated and named for the purpose of and are charged with the duty of presiding at said first annual township meeting, of appointing a clerk of the meeting and of opening and keeping the polls and exercising the same powers as inspectors of election at any township meeting. That notice of the time and place of such meeting, signed by the chairman or clerk of this board, be posted in four of the most prominent public places in the territory hereinafter described and in four of the most public places in that portion of the township of Hancock outside of the territory hereinafter described, by the persons aforesaid designated to preside at such meeting or by some person appointed by this board for that purpose at least fourteen days before holding the same. That the first township meeting in and for the said township of Hancock as the same shall be after the separation from it of the territory herein-after described, be and the same is hereby fixed to be held on the first Monday of April, 1903, at the place in said township of Hancock where the last annual meeting was holden, and that the time fixed by the general laws of this State for the holding of the annual meeting and that notice of the first annual meeting of said new township of Stanton state and set forth the place for holding said first township meeting therein and for holding the first township meeting of the township of Hancock hereinbefore described.

The following is a description of the territory which shall compose the territory of said new township of Stanton, to wit:

All of fractional township fifty-five (55) north, of range thirty-five (35) west; sections twenty-nine, thirty, thirty-one and thirty-two, and all the portion of section twenty-eight on the west side of Portage lake, in township fifty-five (55) north, of range thirty-four (34) west; all of fractional township fifty-five (55) north, of range thirty-six (36) west; all of fractional township fifty-four (54) north, of range thirty-six (36) west; sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-nine, thirty, thirty-one, and thirty-two, of township fifty-four (54) north, of range thirty-five (35) west, and sections one (1), two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four of township fifty-three (53) north, of range thirty-six (36) west, which resolution was adopted by the following vote: Yes—Edwards, Harris, Nelson, Orr, Parnall, Shields, Smith, Van Orden—nine. No—Robinson, Scott—two. Excused from voting—Calverly—one. Total—twelve.

A majority of all the supervisors elected being present and voting therefor.

STATE OF MICHIGAN, } ss.  
County of Houghton. }

I, Louis H. Richardson, clerk of said county, and clerk of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript carefully compared by me from the original record of the proceedings of the board of supervisors of said county on the 14th day of April, A. D. 1902, upon the application of William G. Lucas and others.

for the erection and organization of a new township now remaining in my office, and of the whole of such original record.

[L. S.] IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the circuit court for said county.  
this 25th day of April, 1902.

LOUIS H. RICHARDSON,  
County Clerk.

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### HOUGHTON COUNTY.

In the matter of the petition of certain freeholders to detach certain lands from the township of Hancock in the county of Houghton, and to attach the same to the township of Stanton in said county.

A meeting of the board of supervisors for the county of Houghton was held pursuant to adjournment, at the office of the county clerk in the village of Houghton in said county, on Tuesday, December 9th, A. D. 1902.

The following preamble and resolution were submitted.

In the matter of the petition of certain freeholders to detach certain lands from the township of Hancock in the county of Houghton, and to attach the same to the township of Stanton in said county.

WHEREAS, Written application has been made to this board, signed by twelve and more freeholders of the township of Hancock in the county of Houghton, and also signed by twelve and more freeholders of the township of Stanton in said county, said townships being the only townships affected by said application, praying that a certain portion of said township of Hancock, containing lands, a description of which is hereinafter fully set forth, be set off from and taken out of said township of Hancock and attached to the said township of Stanton.

AND WHEREAS, it appears to the board by written proof and by affidavits on file, that notice in writing of such intended application, subscribed by more than twelve free holders of said township of Hancock and by more than twelve free holders of said township of Stanton, was duly posted according to law in five of the most public places in the said township of Hancock and in five of the most public places in the said township of Stanton, said townships being the only ones affected by said application, four (4) weeks and upwards next previous to the day when such application is to be presented to the board, according to said notice, and that a true copy of such notice has been published according to law, once in each week for four (4) successive weeks and upwards immediately preceding the day named in said notice for the hearing of said matter, in the Hancock Evening Journal, a newspaper printed and published in the said county of Houghton, the first publication being on the 10th day of November, 1902, and the last publication on the 8th day of December, 1902. And said application now coming on duly to be heard before this board on the day and at the time and place at which such application was noticed to be heard as in and by said notice on file with the clerk of this board will appear.

Now, after hearing the reasons for such application and the reasons against the same and due consideration being had by this board thereon, it is now resolved, pursuant to the statute in such case made and provided, as follows:

That in accordance with the request of said application, this board having been furnished with a map of all the townships to be affected by the proposed alteration, showing such proposed alteration, said application be and the same is hereby granted, and that the following described territory being now part and parcel of the said township of Hancock in this county, be and the same is hereby detached from said township of Hancock and added to and attached to the said township of Stanton, which territory so detached from said township of Hancock and added to said township of Stanton, is described as follows, to wit: All of fractional township fifty-six (56) north, of range thirty-five (35) west; all of fractional township fifty-six (56) north, of range thirty-four (34) west, lying westerly of the Portage Lake and Lake Superior Ship Canal, connecting the waters of Portage Lake and Lake Superior, and being sections twenty-nine (29), thirty (30), thirty-one (31) and thirty-two (32), and all that part of sections twenty-one (21), twenty-eight (28) and thirty-three (33) lying west of said canal; sections five (5), six (6), seven (7), eight (8), eighteen (18), nineteen (19) and twenty (20), and all that part of sections four (4), nine (9), sixteen (16), seventeen (17) and twenty-one (21) lying west of Portage Lake in township fifty-five (55) north, of range thirty-four (34) west, said described territory including all that portion of the said township of Hancock as now existing lying westerly of Portage Lake and the said ship canal.

Which resolution so presented and after due consideration thereof, was adopted by the following vote, viz.:

Yes—Supervisors Calverly, Coggin, Edwards, Harris, Nelson, Orr, Parnall, Robinson, Scott, Shields, Smith, VanOrden, and the chairman—13.

No—none—0.

A majority of all the supervisors elected being present and voting therefore.

STATE OF MICHIGAN, } ss.  
County of Houghton. }

I, Louis H. Richardson, clerk of said county and clerk of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript carefully compared by me from the original record of the proceedings of the board of supervisors of said county on the 9th day of December, A. D. 1902, upon the application of James Scott and others to detach certain lands from the township of Hancock in the county of Houghton and to attach the same to the township of Stanton in said county, said record now remaining in my office, and that the said record is a correct transcript of the whole of such original record and a correct statement of the action of said board with relation to said application.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the circuit court for said county, this 12th day of December, 1902.

[L. s.]

LOUIS H. RICHARDSON,  
County Clerk.

### MASON COUNTY.

In the matter of the application of certain freeholders for the organization of the township of Logan.

WHEREAS, application has been made to the board of supervisors of the county of Mason by John L. Rose and twenty-three others all of whom are freeholders and at least twelve of whom reside in all of the townships affected thereby for the erection and organization into a new township of the territory hereinafter described and said board having been furnished with a map of all of the townships affected thereby and it appearing to said board that notices in writing of said intended application have been duly posted up and published in the manner and during the time required by law and it also appearing that the proposition to organize said territory into a new township was voted upon at the annual town meeting held in 1902 and was carried by an almost unanimous vote of the resident freeholders of said township;

Therefore be it resolved that it is ordered and determined by said board that the territory described as follows to wit: Township No. 17 north of range 15 west be and the same is hereby detached from the township of Branch and is erected and organized into a new township to be called and known as the township of Logan and that the territory included in township 18 N. of R. 15 W. be and remain known as the township of Branch; that the first annual township meeting in said township of Logan shall be held in the MacCumber schoolhouse in school district No. 1 on Monday the 6th day of April next and L. N. Lake, G. N. Tyndall and John Maston, three electors of said township are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, keep the polls and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this state.

Adopted by the following vote:

Yeas—Pehrson, Willis, Sayles, Balch, Darr, Freeman, Malliett, Jones, Oldt, Law, Barnes, Hanson, Tripp, Weimer, Forslind, Voss, McKerty, and Monypenny—18.

Nays—none.

STATE OF MICHIGAN, } ss.  
County of Mason. }

I, P. E. Bailey, clerk of said county and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of the resolution adopted by said board on the 8th day of January 1903 with the original now on record in my office and that it is a true transcript therefrom and of the whole thereof and of the action of the board of supervisors taken thereon.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the circuit court for said county at [L. s.] Ludington this 18th day of January, A. D. 1903.

P. E. BAILEY.  
Clerk.

## MENOMINEE COUNTY.

In the matter of the application of certain freeholders for the organization of the township of Harris.

At a meeting of the board of supervisors of Menominee county, State of Michigan, held at the court house in the city of Menominee, in said county and State, on Friday, the 19th day of December, A. D., 1902. the following proceedings were had.

Supervisor, Walton offered the following resolution which was seconded by Supervisor, William Phillips:

WHEREAS, An application has been made to the board of supervisors of said Menominee county, by petition, signed and executed by Frank Beatson and twenty-three other persons who are all resident freeholders of the township of Spaulding, in said county, praying that the following territory, to wit: Townships numbered thirty-eight, thirty-nine, forty, and forty-one (41). north, of range twenty-five, west, of the organized township of Spaulding, be detached from the said township of Spaulding and a new township be erected from said territory so detached and heretofore described, to be named "Harris township;" and said board of supervisors having been furnished with a map of all the territory to be affected thereby; and it appearing to said board from proof now on file with the clerk of said board that notice in writing of such intended application, signed by twenty-four freeholders and residents of the township to be affected thereby, have been posted and published in manner and form and for and during the time as is required by law, and the matter of said application having been duly considered by the said board of supervisors, of said Menominee county at the meeting held as aforesaid. Thereupon, it is ordered and enacted by said board of supervisors of said Menominee county that the territory described as follows, to wit: Townships numbered thirty-eight, thirty-nine, forty and forty-one, north, of range twenty-five, west, of Menominee county, Michigan, be detached from the organized township of Spaulding and out of the same a new township be created to be known and named "Harris township."

It is further ordered that the first election of said new township hereby created, shall be held in the school house in the unincorporated village of Harris, which said last mentioned place is within the territory heretofore described, on Monday, the 6th day of April, A. D., 1903, and that Robert S. Raymond, John Shanahan and James Musson, being three electors of such township shall constitute the board of registration and act as inspectors of the election at said first election.

It is further ordered, That the first election of said Spaulding township shall be held in the town hall in the unincorporated village of Spaulding, which said place is within the territory of said township of Spaulding, on Monday, the 6th day of April, A. D., 1903, and that Frank Beatson, Joseph Jerne, and Nicholas Peterson, being three electors of said township of Spaulding, shall constitute the board of registration and act as inspectors of the election at said first election.

Said resolution was carried by the following aye and nay vote of all the supervisors present, answering upon roll call:

**Ayes**—Supervisors Beatson, Beechner, Erdlitz, Fernstrum, Haggerson, Leisen, Nelson, Peterson, Hugh Phillips, William Phillips, Radford, Sibenaler, Sieman, Sorenson, Swanson and Walton.

**Nays**—none.

**STATE OF MICHIGAN,**      } ss.  
County of Menominee.      }

I, Fred S. Norcross, clerk of the board of supervisors, county clerk and clerk of the circuit court of the county of Menominee and State of Michigan, do hereby certify the within and foregoing to be a copy of a resolution of the board of supervisors of said Menominee county, passed at their meeting held in the city of Menominee, in said county and State on the 19th day of December, A. D., 1902. That the vote upon said resolution as herein and above recorded, is correct, and that a copy of the map or plat showing the territory affected by the organization of Harris township, is also hereto attached.

That I have compared the said resolution, the said vote and the said map or plat with the originals now on file and of record in my office and that they are true copies thereof and of the whole thereof.

[L. s.]      IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the circuit court of said Menominee county, at the city of Menominee, in said county, this 24th day of December, A. D., 1902.

**F. S. NORCROSS,**  
Clerk.

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**MISSAUKEE COUNTY.**

In the matter of the application of certain freeholders for the organization of the township of Enterprise.

Lake City, Mich., January 10th, 1903.

The board met and was called to order by the chairman, quorum present.

Supervisor McMahon offered the following preamble and resolution.

WHEREAS, Application has been made to this board, asking that all that territory known as township twenty-three (23) north, of range five (5) west, and forming part of the territory comprising the township of West Branch, be detached from the said township of West Branch and that a new township be organized, composed of the said detached territory, described as town twenty-three (23) north, range five (5) west, and;

WHEREAS, Notices that said petition would be presented to this board at this session have been duly posted in said township of West Branch and advertised as provided by law for the organization of new townships; and;

WHEREAS, The said application and other proceedings are now before the board, all of which seem to be regular;

Therefore, be it resolved that said petition be granted, and that the territory known as town twenty-three (23) north, range five (5) west,

be and the same is hereby detached from the township of West Branch, aforesaid, heretofore composed of township twenty-three (23) north, range five (5) west, and township twenty-three (23) north, range six (6) west; and that the said territory known and described as township twenty-three (23) north, range five (5) west, be and the same is hereby organized into a new township to be known and designated as the township of "Enterprise." and;

It is further resolved, that the first meeting of the electors in said township of "Enterprise" shall be held at the "Merrill schoolhouse," situated near the residence of Arthur Merrill, in said township of "Enterprise," upon the 1st Monday of April A. D. 1903.

It is further resolved, that Amos Coon, Arthur Merrill, and David D. Wiggins be, and the same are hereby, constituted the election inspectors of the said first meeting of said township of "Enterprise."

OWEN McMAHON.

Moved by Supervisor Stampfier and supported by Supervisor Berghouse, that the preamble and resolution of Supervisor McMahon be accepted and adopted, which notice prevailed by yeas and nays as follows:

Supervisors Berghouse, Stampfier, Sherman, Marsh, Downing, Herweyer, Decker, Loveless, Taylor, Grice, Young and McMahon voted yea.  
Yea—12.

Nays—none.

Absent or not voting, Supervisor Churchill.

ALBERT C. McNITT.  
Clerk.

FREEMAN L. DECKER,  
Chairman.

STATE OF MICHIGAN, } ss.  
County of Missaukee.

I, Albert C. McNitt, clerk of the board of supervisors, of said county of Missaukee, do hereby certify that I have compared the annexed copy of the proceedings of the board of supervisors, so far as the same relate to the organizing and forming the township of Enterprise, with the original thereof, now remaining in my custody, and that the same is a correct transcript therefrom, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the circuit court, at Lake City, this 7th  
[L. S.] day of March, A. D. 1903.

ALBERT C. McNITT,  
Clerk of said Board.

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#### MONTMORENCY COUNTY.

In the matter of the application of certain freeholders to detach certain territory from the township of Vienna and attaching the same to the township of Briley.

WHEREAS There has been a petition presented to this board duly signed by twelve freeholders of each township to be affected thereby, praying to have the south half of township thirty (30) north, range two (2) east

detached from the township of Vienna and be attached to the township of Briley.

Be it resolved by Double supported by Marshall that this board detach said south half of town thirty north of range two east, from the township of Vienna and attach the same to the township of Briley.

Carried by the following vote:

Ayes—Connor, Double, Hubert, Marshall and Chairman.

Nays—Powell.

The above resolution was passed at a meeting of the board of supervisors of Montmorency county Mich., October 16, 1902.

**ROBERT KINCAID,**  
Clerk.

STATE OF MICHIGAN, } ss.  
County of Montmorency,

I Robert Kincaid clerk of said county of Montmorency and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of a resolution with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

[L. S.] IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of said court and county, this fifteenth day of November A. D. 1902.

**ROBERT KINCAID,**  
Clerk.

#### PRESQUE ISLE COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township: The township of North Allis.

WHEREAS, An application has been duly made to the board of supervisors of the county of Presque Isle, by James Sandison, William R. McMullen, Michael Rowe, George F. Knapp, John Balongie, George H. Riley, Hector McMullen, John Sullivan, H. J. Hodges, H. T. Dewitt, Salonas Hodges, W. A. Nason, Ben. J. Marshall, G. W. Belding, Daniel Baker, O. W. Pierson, Charles Pickett, Dan T. Randall, J. F. McCann, J. P. Wickerham, J. W. Gifford, W. J. Chowan, A. Campbell, Wm. Fowler, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby; for the erection and organization of a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby; and it appearing to the said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of such township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted; Thereupon, it is ordered and determined by the said board, that the territory described as follows, to wit: The whole of town thirty-five (35) north of range two (2) east, be, and the same is hereby erected and organized into a new

township to be called and known as the "township of North Allis;" that the first annual township meeting therein shall be held in the Roberts schoolhouse, in Dist. No. 1, on Monday the 27th day of July next; and James Sandison, William R. McMullen, and Hiram J. Hodges, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays, a majority of all members elected voting therefor, to wit:

Yea—Supervisors Hoeft, Konwinski, Skiba, Nowicki, Chas. Bunton, Nagel, Arthur Bunton, Dullack, Glawe, Shaw, Tower, Snody, Mitchell, and Young.

Nays—none.

Carried. Dated June 15th, 1903.

JOHN YOUNG,  
Chairman of Board.  
CHARLES PLATZ, JR.,  
County Clerk.

STATE OF MICHIGAN, } ss.  
County of Presque Isle,

I, Charles Platz, Jr., clerk of the county of Presque Isle and clerk of the circuit court for said county, the same being a court of record and having a seal, do hereby certify that I have compared the annexed copy of the proceedings of the board of supervisors of said county relative to the erection and organization of the township "North Allis" with the original record thereof now remaining in my office, and have found the said copy to be, and that the same is, a true and correct transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Rogers City this 22nd  
[L. S.] day of June A. D. 1903.

CHARLES PLATZ, JR.,  
Clerk.

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#### PRESQUE ISLE COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township: The township of Pulawski.

WHEREAS, An application has been duly made to the board supervisors of the county of Presque Isle, by Andrew Budnik, Frank Hilla, Michael Wojt, Stanislaus Kushynski, William Elmke, Charles Elmke, Bolislaws Kushynski, Joseph Reisner, John Reisner, Vicenty Kushynski, Joseph Koss, Frank Stefauski, William Rzeppa, John Kowalski, Joseph Liske, John Stosick, W. Pienkowicz, John Urban, Carl Wagner, John Nowicki, Joseph Marashefski, Jacob Proma, Joseph Biancà, Joseph Richard, John Richard, Anton Grandzueski, Frank Kachaubawski, Joe Deering, John Gapzinski, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erec-

tion and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby; and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the townshin or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted;

Thereupon, it is ordered and determined by the said board, that the territory described as follows, to wit: The whole of town thirty-four (34) north of range six (6) east, and the whole of fractional town thirty-five (35) north of range six (6) east, be, and the same is hereby erected and organized into a new township to be called and known as the "township Pulawski;" that the first annual township meeting therein shall be held at the Liske schoolhouse, Dist. No. 1, on Monday, the 27th day of April, next; and Joseph Koss, Albert Klimmeczewski and Joseph Liske, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to wit:

Yea—Supervisors Hoeft, Skiba, Nowicki, Charles Bunton, Nagel, Arthur Bunton, Dullack, Glawe, Tower, Shaw, Snody, Mitchell and Young.

Supervisor Konwinski, of Posen, was excused from voting.

Motion carried.

Dated, June 15th, 1903.

JOHN YOUNG,  
Chairman of Board.  
CHARLES PLATZ, JR.,  
County Clerk.

STATE OF MICHIGAN, } ss.  
County of Presque Isle. }

I, Charles Platz, Jr., clerk of the county of Presque Isle and clerk of the circuit court for said county, the same being a court of record and having a seal, do hereby certify that I have compared the annexed copy of the proceedings of the board of supervisors of said county relative to the erection and organization of the township of "Pulawski," with the original record thereof now remaining in my office, and have found the said copy to be, and that the same is, a true and correct transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
affixed the seal of said court, at Rogers City this 22nd  
[L. S.] day of June A. D. 1903.

CHARLES PLATZ, JR.,  
Clerk.

## CERTIFIED COPIES OF PROCEEDINGS.

RELATIVE TO THE INCORPORATION OF VILLAGES.

### ANTRIM COUNTY.

In the matter of the incorporation of the village of Elk Rapids.

A petition for the incorporation of the village of Elk Rapids having been presented to the board of supervisors at its annual session in October in the year 1900 Supervisor Lang offered the following resolution:

Resolution No. 18 by M. B. Lang.

Resolved, That the prayer of the petitioners be granted so far as to include in the boundary lines of the proposed village of Elk Rapids so much of the township as is comprised of sections 20, 21, 22 and frl. sec. 27, n e frl.  $\frac{1}{4}$  of sec. 28; n frl.  $\frac{1}{2}$  of n w frl.  $\frac{1}{4}$  sec. 28 and n frl.  $\frac{1}{2}$  of n e frl.  $\frac{1}{4}$  of sec. 29, town 29 north of range 9 west and that the matter of passing a formal act of incorporation thereof be referred to a special committee to be appointed by the chair to prepare and present the same.

Carried.

The chairman appointed as members of such committee, M. B. Lang, D. B. Oviatt and W. J. Bennett.

Board adjourned until 8 o'clock a. m. Wednesday.

Dated Oct. 16th, 1900.

Approved.

THOS. M. RUSHTON,

Chairman.

IRA A. ADAMS,

Clerk.

Report of the special committee on form of order for incorporating the village of Elk Rapids.

Mr. Chairman—Your special committee have had under consideration the above matter referred to them and beg leave to report that they have drafted the annexed order for that purpose and would recommend its adoption.

M. B. LANG,  
D. B. OVIATT,  
W. J. BENNETT,  
Special Committee.

In the matter of the application of more than thirty residents and legal voters of territory within the present organized township of Elk Rapids for the incorporation of such proposed territory as a village to be named "Village of Elk Rapids"

WHEREAS an application has been lawfully made, filed and presented to the board of supervisors of Antrim county at its present regular session for the year A. D. 1900 subscribed by fifty-two applicants who are residents of and legal voters in the territory therein described praying for an order of said board declaring that such territory shall be an incorporated village; under and by virtue of act No. 3 of the public acts of Michigan for the year 1895 and the acts amendatory thereto to be named and known as the "Village of Elk Rapids," which said territory described therein was found to include "all that part of town twenty-nine (29) north of range nine (9) west bounded on the west by Grand Traverse Bay; on the east by Elk Lake and the east line of sections three (3) and ten (10) of said town on the north by the north line of said section three (3), the same being the north line of said town; on the south by that part of the south line of said town extending from Elk Lake on the east to Grand Traverse Bay on the west and that the same constituted all the territory comprised in the present organized township of Elk Rapids; and

WHEREAS such application sets forth the number of persons residing in such territory to be 2,237 according to an accurate census caused to have been taken by said applicants within sixty days before making such application, viz.; on the 11th. day of September A. D. 1900, which amongst other things, exhibits the name of every head of a family, residing within such territory, on said day, which said census and an affidavit verifying the same; together with a copy of the notice of such application and an affidavit of publishing the same were annexed, to said application as required by said act when so presented;

And WHEREAS this board has heard all the parties interested therein who appeared and asked to be heard and did also adjourn such hearing for that purpose and also for hearing further petitions for and against granting such application as prayed and thereupon did consider the advisability of ordering such incorporation, also as to whether the whole or what portion, if any, of the territory included in said application should be so incorporated;

And WHEREAS after hearing the parties and their proofs and allegations as aforesaid said board was satisfied that all the legal requirements of said act in respect to such application had been complied with, that the prayer of said applicants should be granted only as to a portion of the territory included in such application and that such portion which ought now to be so incorporated, as hereinafter described, contains the population required by said act; viz.; over 2,000 as shown by said census and of which portion all said applicants were residents and legal voters.

Now Therefore, It is hereby ordered, declared and determined by the board of supervisors of the county of Antrim, in pursuance of the provisions of said act No. 3 of the public acts of the State of Michigan for the year 1895 and any acts amendatory thereto, that the following described portion of the territory included in said application and notice thereof, constituting now a part of said organized township of Elk Rapids in said county, viz.: all of fractional section twenty (20) twenty-one (21) twenty-two (22) and twenty-seven (27), the northeast frac-

tional quarter and north fractional half of the northeast fractional quarter of fractional section twenty-eight (28) and the north fractional half of the northeast fractional quarter of fractional section twenty-nine (29) all being in said town twenty-nine (29) north of range nine (9) west, and containing an area of over one square mile according to the United States survey thereof, none of which territory is now included in any incorporated village, be and the same is hereby made and constituted an incorporated village, by the name of "Village of Elk Rapids." And it is hereby further ordered, that the time and place of holding the first election in and for said village shall be the second Monday of March A. D. 1901 in the Elk Rapids town hall in said village and that the following named persons, who are residents of such territory and qualified electors therein are hereby appointed to constitute a board of registration for, and who shall also act as inspectors at said first election to be held in such village, viz.: Horatio B. Lewis, Archibald K. Dougherty, Milton B. Lang and Fitch R. Williams.

Resolution No. 23 by D. Blakely.

Resolved that the report of the special committee on the incorporation of the village of Elk Rapids be adopted and that said village be so incorporated.

Carried by yeas and nays, all voting yes.

Dated Oct. 17th 1900.

Approved.

THOS. M. RUSHTON,

Chairman.

IRA A. ADAMS,

Clerk.

**STATE OF MICHIGAN,** } ss.  
County of Antrim.

I, C. E. Densmore clerk of the circuit court in and for said county, do hereby certify that I have compared the annexed copy of order incorporating the village of Elk Rapids with the original thereof, now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original document.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Bellaire, this 25th day of [L. S.] July A. D., 1903.

C. E. DENSMORE,  
Clerk of the Circuit Court, Antrim County, Mich.

### CRAWFORD COUNTY.

In the matter of the incorporation of the village of Grayling.

At a regular session of the board of supervisors of Crawford county commenced and held at the county clerk's office in the village of Grayling, in said county, on Tuesday the twentieth day of October 1903.

Grayling, Mich., Oct. 20th, 1903.

To the Hon. Chairman and Members of the board of supervisors of the County of Crawford:

Gentlemen—I would offer the following preamble and resolution and move its adoption.

WHEREAS: A sufficient number of the legal voters and taxpayers of the village of Grayling having filed a petition praying for the incorporation of the following described territory, to wit: The east three-fourths of section seven (7), the west one-fourth of section eight (8), the northwest one-fourth of the northwest one-fourth of section seventeen (17), and the north half of the northeast one-fourth of section eighteen (18), all in township twenty-six north of range three west, shall be incorporated under the provisions of chapter eighty-seven, of the general laws of the State of Michigan, and known as the village of Grayling. said territory as above described now containing one thousand two hundred and fifty-four inhabitants as shown by the census schedule hereunto attached.

Therefore; Be it resolved by the board of supervisors now in session that the prayer of the petitioners be granted.

And further, be it ordered that said territory be incorporated and known as the village of Grayling, and be it further ordered, that Monday, the seventh day of December, A. D., 1903, be designated as the time for holding first election of said village of Grayling.

And that the following residents and qualified voters be appointed as members of the board of registration, and inspectors of said first election, to wit: Thorwald W. Hanson, Charles O. McCullough, Charles T. Jerome and Lucien Fournier. Said election to be held in the township hall in the township of Grayling.

Signed, W. BATTERSON.

Moved by Supervisor Batterson supported by Burgess that the resolution of W. Batterson be accepted and adopted.

Yeas and nays called.

Supervisor of Beaver Creek, Frederic, Maple Forest, Grayling and South Branch voted yea. Motion declared carried.

FRANK E. LOVE

Chairman.

JAMES J. COLLEN.

Clerk.

STATE OF MICHIGAN, { ss.  
Crawford County,

I, James J. Collen, clerk of the circuit court of said county, the same being a court of record and having a seal, do hereby certify that I have compared the foregoing copy of order of incorporation with the original record and files thereof now remaining in my office, and have found the same to be a correct transcript therefrom, and the whole of such original record and files.

[L. S.] IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Grayling this 26th day of October, A. D. 1903.

JAMES J. COLLEN,  
County Clerk, Crawford Co.

## HOUGHTON COUNTY.

In the matter of the petition of the common council of the village of Hancock to alter the corporate limits of said village.

Houghton, Michigan, Tuesday, May 13th, 1902.

A meeting of the board of supervisors for the county of Houghton, was held, pursuant to adjournment, at the office of the county clerk, in the village of Houghton, in said county, on Tuesday, May 13th, A. D., 1902.

On roll call a quorum was shown to be present.

The petition of the council of the village of Hancock to alter the boundaries of said village by adding thereto certain lands and premises was presented and read.

The following papers, viz.: notice of presentation of petition, proof of publication of notice of presentation of petition, certified copy of proceedings and resolution of the village council of Hancock, determining to make such changes; and also petitions of the residents and taxpayers of the several lands and premises proposed to be added to said village of Hancock, were presented to the board on the hearing of the above mentioned petition.

On motion, the petition and papers above mentioned were received and ordered placed on file.

The following preamble and resolution were presented and read, viz.:

WHEREAS, A petition in writing of the village council of the village of Hancock, in the county of Houghton, State of Michigan, has been this day presented to this board, signed by the president and clerk of said village, praying that the boundaries of said village be altered by the board of supervisors of said county of Houghton, by taking in and adding to said village certain lands and premises adjoining thereto; containing a description by metes and bounds of the land and premises proposed to be added to said village as hereinafter described; and setting forth the reasons for the proposed change, and containing a copy of the resolution of the council of said village in relation thereto.

And WHEREAS, It appears to the board of supervisors by affidavit on file that due notice of the time and place when said petition would be presented to this board, was given by the clerk of said village by publishing the same in the Hancock Evening Journal, a newspaper published in said village, for at least three weeks immediately preceding the presentation of the same to this board, and that said notice was published in said newspaper on each week day continuously from and including the 21st day of April 1902, to and including the 12th day of May 1902, and that the first publication of said notice in said newspaper was on the 21st day of April 1902, and the last publication thereof in said newspaper was on the 12th day of May 1902, and that said newspaper was published in said village on each week day during the times above mentioned, and this being the day and place at which said petition was noticed to be presented, as in and by said notice on file with the clerk of the board, will appear. Now, after hearing the reasons of such petition, all parties interested having had an opportunity to appear before this board and be

heard touching the proposed boundaries of such village, and after such hearing and due consideration of such petition being had by the board and it appearing to the board that said council did by resolution, adopted at its meeting on April 14th, 1902, determine to alter the boundaries of said village as in said petition set forth.

It is now resolved pursuant to the statute in such case made and provided as follows:

That the board does hereby order and determine that the prayer contained in said petition be and the same is hereby granted, and it is hereby ordered and determined by the board that the following described lands and premises adjoining said village be and hereby are added to the village of Hancock, and made a part thereof, viz.: Beginning at an iron bar which marks the intersection of the center of Quincy street and the north and south center lines of sec. 27, T. 55 N., R. 34 W., of the meridian of Michigan, run thence north on said center line 750 feet to the center of said sec. 27; thence east on the east and west center line of said sec. 27, 577.8 feet to the west boundary of Anthony's Second Addition to Hancock, the plat of which is now on record in the office of the register of deeds of Houghton county; thence northerly along the west boundary of the said addition 400.7 feet, to the north side of Prospect street, thence east along the north side of Prospect street, 1,508.98 feet to Poplar street, thence north along the west side of Poplar street 380 feet to the north side of Summit street; thence east on said north side of Summit street, 662.59 feet, to the section line on the east side of said sec. 27; thence south on said section line 993 feet to the northwest corner of the Hancock Copper Mining Company's addition to the village of Hancock, the plat of which is now on record in the office of the register of deeds for Houghton county; thence east along the north boundary of the last named addition, 1,230.83 feet to the northeast corner of said addition, thence S. 62 degrees 31' E. 181.5 feet; thence S. 30 degrees 28' E. 384 feet; thence S. 49 degrees 43' E. 385 feet to a point which is 46.38 feet north of the northwest corner of the Quincy Hillside addition to the village of Hancock, the plat of which is now on record in the office of the register of deeds for Houghton county; thence S. 62 degrees 15' E. 236.66 feet; thence S. 51 degrees 58' E. 69.55 feet; thence S. 44 degrees 07' E. 45 feet; thence S. 45 degrees 28½' E. 49.51 feet; thence S. 78 degrees 16' E. 189.49 feet; thence S. 88 degrees 49' E. 360 feet; thence S. 63 degrees 26' E. 11.18 feet; thence west 265 feet; thence S. 69 degrees 16½' E. 254.3 feet; thence S. 60 degrees 15' E. 40.31 feet; thence S. 71 degrees 02' E. 142.75 feet to the north boundary of block A of the said Quincy Hillside addition; thence east 280 feet to the northeast corner of said block A; thence N. 83 degrees 49' E. 406.75 feet to the northwest corner of the Quincy addition to Hancock, the plat of which is now on record in the office of the register of deeds for Houghton county; thence east along the north boundary of said Quincy addition 1,016.7 feet to the line between sections 25 and 26 T. 55 N., R. 34 W.; thence south on said section line 117.8 feet to the northwest corner of the village of East Hancock, the plat of which is now on record in the office of the register of deeds for Houghton county; thence east along the north boundary of the said village of East Hancock, 279.9 feet; thence S. 19 degrees 32' E. 341 feet; thence E. 20 feet; thence S. 33.9 feet to the south boundary of said section 25; thence west on said section line, 424 feet to the corner of sections 25, 26, 35 and 36. Thence S. 84 degrees 45' W. 225.4 feet; thence S. 5 degrees 15' E. 297.2 feet; thence N. 85 de-

grees 15' W. 375.7 feet; thence N. 89 degrees 19' W. 206.4 feet; thence N. 64 degrees 37' W. 168.45 feet to the southwest corner of the aforesaid Quincy addition; thence northwesterly 179.74 feet to a point which is on the eastern prolongation of the line forming the south boundary of Hancock street of the village of Hancock, and 235 feet easterly of the northeast corner of block 2 of said village of Hancock; thence south at right angles to said Hancock street 100 feet; thence west parallel to Hancock street 55 feet; thence south at right angles to Hancock street 140 feet; thence west parallel to Hancock street 120 feet to the said village of Hancock; thence westerly along the northern limits of the village of Hancock as defined by act numbered 344 of the local acts of the legislature of Michigan of the session of 1895, to the point of beginning.

The above description includes the following plats, all of which are now on record in the office of the register of deeds for Houghton county, viz.: Supervisor's addition to West Hancock, Anthony's addition to Hancock, Anthony's second addition to Hancock, Grove addition to Hancock, First addition to the village of West Hancock, Condon's second addition to West Hancock, Quincy addition to Hancock, Village of East Hancock. Also all that portion of the Hancock Copper Mining Company's addition to the village of Hancock which lies north of Franklin street. Also all that portion of Condon's third addition to Hancock which lies north of Quincy street. Also all that portion of the Quincy Hillside addition to the village of Hancock which is not already included within the present limits of the said village of Hancock, as defined by said local act number 344 of the legislature of the State of Michigan for 1895. Also all other parcels of land not platted but included within the above described boundary. Which resolution, on motion of Supervisor Shields, duly seconded, was adopted by the following vote, viz.:

Yea—Supervisors Calverley, Coggin, Edwards, Harris, Nelson, Orr, Robinson, Reeder, Scott, Shields, Smith and VanOrden—12.

Nay—None. Total 12.

A majority of all the supervisors elected being present and voting therefore.

**STATE OF MICHIGAN,** } ss.  
County of Houghton. }

I, Louis H. Richardson, clerk of Houghton county and clerk of the circuit court for the county of Houghton, do hereby certify, that the above and the foregoing is a true and correct copy of an order made by the board of supervisors of Houghton county, Michigan, at a session of said board held on Tuesday, May 13th, 1902, to alter the corporate limits of the village of Hancock in said county, as appears of record in my office. That I have compared the same with the original, and it is a true transcript therefrom and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Houghton, Michigan, this  
[L. S.] 21st day of May, A. D., 1902.

LOUIS H. RICHARDSON,  
Clerk.

## HOUGHTON COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Hancock, as a city.

At a meeting of the council of the village of Hancock, Houghton county, Michigan, held at the council chambers, their usual place of meeting, in said village on Thursday the 12th day of March A. D. 1903, at eight o'clock in the evening, the usual hour for holding council meetings and the hour appointed in the by-laws for that purpose. There were present Archibald J. Scott, President, and Charles A. Wright, Samuel P. Payne, William H. Dodge and George W. Emery, trustees, and Michael Finn, clerk.

The following resolution was offered by Trustee Emery:

WHEREAS, At an adjourned meeting of the council of the village of Hancock, Houghton county, Michigan, held at said village on the 15th day of January, A. D. 1903, the following resolution was adopted, viz.:

"WHEREAS, A petition of one hundred and more freeholders of the village of Hancock has been presented to the council of said village setting forth that the population of said village at the last general census was over four thousand, and asking that the necessary steps be taken to incorporate said village as a city, and

WHEREAS the council of said village is satisfied that said village contains the requisite population as required by law for incorporation of said village as a city of the fourth class, now therefore be it

Resolved that the question as to whether the village shall be incorporated as a city of the fourth class, shall be submitted to a vote of the electors of the village at the next annual village election"; and

WHEREAS it appears to this council by due proof on file with the village clerk that, pursuant to the statute in such case made and provided, public notice of the time and place of holding such election and that the question whether the village of Hancock shall be incorporated as a city of the fourth class, under the provisions of act number 215 of the Session Laws of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," as amended, would be submitted to a vote of the electors at said annual village election, was duly published and posted, by the village clerk, in the manner and for the time provided for in said act, and

WHEREAS it appears to this council that said annual village election was held on the 9th day of March, A. D. 1903, at the village hall in said village, being the place and time designated therefor in said notice, and that said question was duly submitted to a vote of the electors of the village at said election, and

WHEREAS it appears to this council, that the inspectors of said election, immediately after the closing of the polls without adjourning, publicly canvassed the vote received by them and declared the result. And on the next day made a statement in writing of said election and the votes given thereat upon said proposition showing all things required by law, certified to by them under their hands to be correct, and duly

made return thereof to the village clerk, within the time and in the manner provided for making return of village elections, together with the poll list, register of electors and box containing the ballots cast at said election, from which statement and return it appears that upon said question of city incorporation:

The whole number of votes given at the election for and against the proposition was nine hundred and seven (907) of which number seven hundred and fifty-seven (757) votes contained the word "Yes" and were given for said proposition and one hundred and fifty (150) votes contained the word "No" and were given against said proposition, and

WHEREAS this council has at this meeting determined the result of the election upon the said question of city incorporation, and

WHEREAS it appears to this council that a majority of all the votes legally given at such election upon the question of such incorporation were given for the incorporation of said village of Hancock as a city, therefore be it

Resolved by the council of the village of Hancock, That at the annual village election held in the village of Hancock on Monday the 9th day of March, A. D. 1903, the question as to whether said village should be incorporated as a city of the fourth class, under the provisions of an act entitled "An act to provide for the incorporation of cities of the 'fourth class,'" being act number 215 of the Session Laws of eighteen hundred and ninety-five, as amended, was submitted to a vote of the electors of the village, and that a majority of those voting upon the question voted for city incorporation, and said council declares that, in accordance with said vote, the said village of Hancock shall be and is incorporated as a city of the fourth class by the name of "The City of Hancock."

The foregoing resolution was adopted by the following vote:

Ayes—Trustees C. A. Wright, S. P. Payne, G. W. Emery, William H. Dodge. Nays—None.

STATE OF MICHIGAN, } ss.  
County of Houghton. }

We, Archibald J. Scott, president, and Michael Finn, clerk, of the village of Hancock in said county and State, do hereby certify that the foregoing copy of record of proceedings and declaration of incorporation, is a true copy taken from the records of the proceedings of the council of said village of the meeting thereof held on the 12th day of March, A. D. 1903, and a true copy of the resolution adopted thereat declaring the incorporation of the city of Hancock, and of the whole thereof as compared by us with the original record thereof, in so far as the same relates to said resolution declaring said incorporation.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of said village this 13th day of

[L. s.]                   March, A. D. 1903.

ARCHIBALD J. SCOTT,  
President.  
MICHAEL FINN.  
Clerk.

## HOUGHTON COUNTY.

### In the matter of the organization of the village of Hubbell.

A meeting of the board of supervisors for the county of Houghton was held pursuant to adjournment at the office of the county clerk in the village of Houghton in said county on Tuesday the eighth day of September A. D. 1903.

The following supervisors were present, viz.:—W. D. Calverley, Portage township; F. G. Coggan, Stanton township; A. D. Edwards, Adams township; Donald Grant, Laird township; S. B. Harris, Quincy township; J. S. Harrington, Chassel township; William Kroll, Duncan township; Wm. E. Parnall, Osceola township; R. H. Shields, Franklin township; Charles Smith, Torch Lake township; F. L. Van Orden, Elm River township; Daniel Washburn, Hancock township; George C. Bentley, second ward, city of Hancock; Thos. Coughlin, third ward, city of Hancock; J. E. Scallon, fourth ward, city of Hancock; John Duncan, chairman, Calumet township.

The board was called to order by the chairman.

The following preamble and resolution were presented:

In the matter of the application of certain legal voters, for the incorporation of a village to be known as the village of Ingot.

WHEREAS, An application has been duly made to the board of supervisors of the county of Houghton, by A. F. Fischer, Adam G. Kaufman, Donald K. Macdonald, Joseph Ethier, William Fitzpatrick, A. G. Coggan, John R. McDonald, Frank A. Mayworm, Herman Kahler, James Teevey, Exavier Gillet, Alfred Leclerc, Nicholas Michels, Ouizine Perrault, James Trethewey, Fred J. Hosang, Patrick Bogan, Joseph Wise, John Munn, Elzeurd Bisson, Ernest Voyer, D. R. Tenant, Patrick Slattery, John Harrington, John M. Rule, Frank W. Kessler, Eugene Rheaume, William Dunstone, Benjamin Rillston, and Francis Stack all of whom are legal voters residing within the territory which is proposed in said application for incorporation into the village of Ingot, for the incorporation of the territory hereinafter described into a village, and it appearing to said board that the territory proposed to be incorporated as aforesaid, is situated in the county of Houghton and is not included in any incorporated village, and such applicants having within sixty days before making such application caused an accurate census to be taken of the resident population of such territory, which census among other things exhibits the name of every head of a family residing within such territory on such day and the number of persons then belonging to such family, which census is duly verified by the affidavit of Adam G. Kaufman and William FitzPatrick, the persons who took the same, written on such census;

And it further appearing to said board by due proof on file, that notice in writing of such intended application signed by such thirty (30) applicants, residents and legal voters in such territory, has been duly published and posted up in the manner and during the time required by law. And the said applicants having presented their petition subscribed

by them, and having thereunto attached such census and affidavit verifying the same, and a copy of the notice required, with affidavits of posting and publishing the same as aforesaid, at the time specified in such notice, and it also appearing to the satisfaction of the said board that all the requirements of the act providing for the incorporation of villages within the State of Michigan, and defining their powers and duties, the same being chapter eighty-seven (87) of the Compiled Laws of 1897 and its amendments, in respect to such application have been complied with, and that the territory determined upon as hereinafter described contains the population required by said act, and it also appearing to said board upon consideration thereof that the following pieces or parcels of land ought to be excluded from the territory to be incorporated, namely: Lot four (4) in block one (1), lot five (5) in block two (2), lot six (6) in block three (3) of Paine, Fisher and McIntyre's addition to Grover, and lots naught (0), one (1), two (2), three (3), four (4), five (5) and six (6) in block ten (10) in the village of Grover, and lot three (3), section twelve (12), town fifty-five (55), range thirty-three (33) west, and that the said application as to the portion of said territory hereinafter described, ought to be granted, and it seeming proper to said board, that the name of said village be the village of Hubbell.

Thereupon it is ordered and determined by the said board that the territory described as follows, the same being a part of the territory described in said petition, to wit: Beginning at a point on the range line between ranges thirty-two (32) and thirty-three (33) west where it is intersected by the line separating lot three (3) from lot four (4) in block one (1) in Paine, Fisher and McIntyre's addition to Grover; thence northward along said range line to the center line of Lake View street in North Grover; thence northwesterly along the center line of Lake View street to the center line of Center street in North Grover, thence southwesterly along the center line of Center street to the center line of Daisy street in Kesseler's addition to Grover; thence northwesterly along the center line of Daisy street to the one-sixteenth (1-16) section line between the southwest quarter (S. W.  $\frac{1}{4}$ ) of the northeast quarter (N. E.  $\frac{1}{4}$ ) and the southeast quarter (S. E.  $\frac{1}{4}$ ) of the northeast quarter (N. E.  $\frac{1}{4}$ ) of section twelve (12) town fifty-five (55) north of range thirty-three (33) west; thence southward along said one-sixteenth (1-16) section line and its continuation to the shore of Torch lake, thence along the shore of Torch lake to the southeasterly line of Garfield avenue, thence along the southeasterly line of Garfield avenue to the line between lot nine (9) in block ten (10) and lot seven (7) in block eight (8) of Grover; thence northwesterly along said line between lot numbered nine (9) in block numbered ten (10) and lot numbered seven (7) in block numbered eight (8) and continuing to the corner of lots numbered seven (7) and eight (8) in block numbered eight (8) of Grover, thence northeasterly along the line between lots numbered seven (7) and eight (8) to the line between lots numbered six (6) and eight (8) all in block numbered eight (8) in Grover; thence northwesterly along the line between lots numbered six (6) and eight (8) and lots numbered five (5) and nine (9) to the corner common to lots numbered two (2), three (3), five (5), and nine (9) all in block eight (8) Grover; thence northeasterly along the line separating lot numbered five (5) from lots numbered three (3) and four (4) in block numbered eight (8) Grover and continuing across Dee street and along the line separating lot six (6) from lots one (1), two (2) and

three (3) in block numbered nine (9) to the line between lots numbered three (3) and four (4) in block numbered nine (9) in Grover; thence northwesterly along the line between lots three (3) and four (4) in block nine (9) to Grant avenue, all in Grover; thence northeasterly along the southeasterly line of Grant avenue to the north line of Grover; thence westward along the said north line of Grover, to its intersection with the line between lot four (4) in block four (4) and lot eight (8) block "A" both in Paine, Fisher and McIntyre's addition to Grover; thence northeasterly along said line between said lot four (4) in block four (4) and lot eight (8) in block "A", and continuing along the line between lot five (5) and eight (8) to the line between lots five (5) and six (6) in block three (3) in Paine, Fisher and McIntyre's addition to Grover; thence northwesterly along the line between lots five (5) and six (6) in block three (3) to their common corner with lots two (2) and three (3) in block three (3), thence northeasterly along the line separating lot six (6) from lots one (1) and two (2) in block three (3) and its continuation crossing Mildred street and continuing along the line between lot five (5) and lots three (3) and four (4) in block two (2) and along the line between lot six (6) and lots one (1) and two (2) in block two (2) and continuing said line across Daisy street and along the line between lots three (3) and four (4) in block one (1) to the place of beginning, shall be and the same is an incorporated village by the name of the village of Hubbell. That the first election for the said village of Hubbell shall be held on Monday the twelfth day of October, A. D. 1903, at "Our Boys Club Room," in said village, that Joseph Wise, John R. McDonald, Frank Reding and Patrick Scanlon, Jr., shall constitute the board of registration for said first election to be held in said village, and that the members of said board of registration shall also act as inspectors of election at said first election.

Which resolution on motion of Supervisor Smith duly seconded, was adopted by the following vote:

Yes—Supervisors Bentley, Calverley, Coggin, Coughlin, Edwards, Grant, Harris, Harrington, Kroll, Parnall, Scallon, Shields, Smith, Van Orden, Washburn and the Chairman.—16. No—None.

A majority of all the supervisors elected being present and voting therefor.

STATE OF MICHIGAN, } ss.  
County of Houghton. }

I, Louis H. Richardson, clerk of the said county of Houghton and clerk of the circuit court for said county, do hereby certify that the above and foregoing is a true and correct copy of an order incorporating the village of Hubbell made by the board of supervisors of Houghton county, Michigan, at a session of said board held on Tuesday, September 8th, A. D. 1903, as appears of record in my office. That I have carefully compared the same with the original, and it is a true transcript therefrom and of the whole thereof.

[L. S.] IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said circuit court at Houghton, Michigan, this sixth day of October, A. D. 1903.

LOUIS H. RICHARDSON,  
Clerk.

### HURON COUNTY.

In the matter of the incorporation of the village of Pigeon.

WHEREAS, Application having been made to the board of supervisors for the county of Huron, to incorporate the village of Pigeon, Huron county, Michigan, and it appearing by the petition for said incorporation that the territory of said village is not included in any incorporated village and contains an area of not less than one square mile and a resident population of not less than 300 residents, and it further appearing by the petition that not less than 30 resident voters have prayed said incorporation, and it further appearing that the proper census has been made of said territory and that all notices and prerequisites pertaining to said incorporation have been complied with and all parties interested in them have been heard. Now therefore;

Sec. 1. The board of supervisors for the county of Huron and State of Michigan, hereby order, enact and declare that the following described territory, to wit: The south one-half of section two (2), and the north one-half of section eleven (11), in township sixteen north of range ten east, being in the township of Winsor, Huron county, Michigan, being territory not included in any incorporated village. Be and the same is hereby made and constituted the village corporate by the name of the village of Pigeon. By virtue of and under the provisions of "an act entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February 19th, A. D. 1895.

Sec. 2. The first election of officers of said village shall be held on the first Monday in December, A. D. 1902, at the K. O. T. M. hall in said village.

Sec. 3. The following four discreet persons, residents of such territory, and qualified voters, electors therein, who shall constitute a board of registration for said first election to be held in said village and who shall also act as inspectors of election at said first election, to wit: Edmund Bundo, Ernest Paul, Alphonso A. Pruner, George H. A. Shaw.

All of which is respectfully submitted.

G. A. BROWN,  
WILLIAM GWINN.  
JACOB GREMEL.  
Committee.

STATE OF MICHIGAN, } ss.  
County of Huron,

I, George M. Clark, clerk of the circuit court for said county, do hereby certify that the above and foregoing is a true and compared copy of an original resolution in said cause now on record in the office of the clerk of said county and court, and the whole of such original record.

[L. s.] IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court at the village of Bad Axe, this 15th day of Oct., A. D. 1902.

GEO. M. CLARK,  
County Clerk.

### IONIA COUNTY.

**In the matter of the alteration of the corporate limits of the village of Lake Odessa, by the board of supervisors of said county.**

**Report of committee on petitions relative to change in corporation limits of the village of Lake Odessa.**

Your committee having had petitions presented to us in regard to the above matter under consideration and recommend the allowance of the same, and the adoption of the following order:

**Resolved**, That in accordance with the petition from the village of Lake Odessa to change the boundary line of said corporation, it is therefore ordered that the corporate limits of the village of Lake Odessa shall be changed so as to take out the following described lands, to wit: Commencing thirty rods east of the northwest corner post of section thirty-four running thence east fifty (50) rods to the east corporation line of said village, thence south one hundred and sixty (160) rods, thence west fifty (50) rods, thence north one hundred and sixty (160) rods to the place of beginning, said tract containing fifty acres of land.

And further it is ordered that the west boundary line of said village of Lake Odessa be extended so as to take in the following described lands, to-wit: Commencing at the quarter ( $\frac{1}{4}$ ) post between section twenty-eight and thirty-three, thence running west along the section line forty-one rods six feet and six inches, thence running south one hundred sixty rods three feet and two inches, thence east forty-one rods six feet and six inches to the present western boundary line of said village of Lake Odessa, thence north along said boundary line to the place of beginning, said tract containing forty-one and one-half acres.

It is further ordered that a certified copy of this order be transmitted to the clerk of the said village of Lake Odessa, and to the Secretary of State without delay.

Signed.

**ADAM FENDER.  
OSCAR W. JENKINS.  
WM. H. PRYER.**

**STATE OF MICHIGAN,** { ss.  
County of Ionia.

I, Harry J. Holbrook, clerk of the said county of Ionia, do hereby certify, that the above and foregoing is a true and compared copy of an original report which was accepted and the recommendations therein adopted by the board of supervisors of said county on Thursday, Oct. 22d, A. D. 1903, and now on record in the office of the county clerk of said county and court, and the whole of such original record.

IN WITNESS WHEREOF, I have hereunto caused the seal of  
said court to be affixed, at the city of Ionia, this 4th day  
[L. S.] of November. A. D. 1903.

**HARRY J. HOLBROOK,  
County Clerk.**

### LEELANAU COUNTY.

Proceedings of the board of supervisors of Leelanau county Mich. in regard to the incorporation of the village of Northport in said county.

Wednesday Morning, Oct. 14th, 1903.

Board met pursuant to adjournment. Roll called by the clerk, all members present. Minutes of yesterday read and approved. Mr. Scott for the committee on towns and villages read the following report:

To the Hon. Board of Supervisors of Leelanau county:

Your committee on towns and villages beg leave to report as follows and recommend that the following resolution be adopted:

WHEREAS, More than thirty residents and legal voters of the township of Leelanau, county of Leelanau, State of Michigan, presented petition and made application to this board to have a certain territory in said township of Leelanau in Leelanau county, described in said petition, incorporated as a village by the name of and to be known as the village of Northport; and

WHEREAS, It appears to this board that all the requirements of act No. (3) three of the Public Acts of 1895 of the Legislature of this State in respect to said petition and application have been complied with and that the territory described in said petition contains a population of 300 inhabitants and upwards, to wit: 492 persons.

Now therefore be it ordered, resolved and declared, That the following lands or territory be an incorporated village by the name of and to be known as the village of Northport, to-wit: All the land and territory included in the following boundaries, to-wit: All of frl. section (3) three, town (31) thirty-one N., range 11 west; all of frl. (34) thirty-four and frl. (35) thirty-five in township (32) thirty-two N., range 11 west containing 1,232 97-100 acres of land more or less according to the government survey thereof, all in the township of Leelanau, county of Leelanau, State of Michigan, not included within the limits of any incorporated village or city under the laws of the State of Michigan.

And it is further resolved and ordered by said board, That the second day of November, 1903, be the time for holding the first election in said village and the town hall in said village of Northport be the place for holding the said first election.

And it is further ordered, That W. E. Campbell, S. W. Porter, E. J. Gray and Bert Campbell, discreet persons, residents of the above described territory and qualified electors therein, be and are hereby appointed a board of registration for said first election to be held in said village and who shall also act as inspectors of election at said first election.

All of which is respectfully submitted.

D. H. SCOTT,  
MARVIN LACORE,  
WALTER E. GREILICK,  
Committee.

On motion of Mr. Wilson, the report was accepted and adopted, and Mr. Wilson also moved that the resolution be adopted and the order made as recommended by the committee. Carried by a unanimous vote.

Board adjourned until 8 o'clock tomorrow morning.

**JOSEPH KRUBNER,**  
Chairman.

**Z. E. HINSHAW,**  
Clerk.

**STATE OF MICHIGAN,** } ss.  
County of Leelanau.

I, Z. E. Hinshaw, clerk of the county of Leelanau and clerk of the circuit court for said county, the same being a court of record and having a seal, do hereby certify that I have compared the annexed copy of the proceedings of the board of supervisors in regard to the incorporation of the village of Northport in said county with the original record thereof now remaining in my office, and have found the said copy to be, and that the same is, a true and correct transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Leland this 12th day of November, A. D. 1903.

**Z. E. HINSHAW,**  
Clerk.

#### MENOMINEE COUNTY.

In the matter of the incorporation of the village of Daggett.

Mr. Swanson made a motion, seconded by Mr. Walton, that the following order be made:

We, the board of supervisors of Menominee county, being satisfied that all of the requirements of act number three of the Public Acts of 1895, providing for the incorporation of villages, have been complied with in connection with the petition of Ed. Perrizo and thirty-two others praying for the incorporation of the following described territory, to-wit: Commencing at the northwest corner of the southeast quarter of the southeast quarter of section thirty-four (34), thence running east to the northeast corner of the southwest quarter of the southwest quarter of section thirty-six, all in township thirty-six north of range twenty-seven west; thence running south to the southeast corner of the southwest quarter of the northwest quarter of section one, thence running west to the southwest corner of the southeast quarter of the northeast quarter of section three, all in township thirty-five north of range twenty-seven west, said territory being in the township of Stephenson, in said county of Menominee, and that the said territory contains the population required by said act, and after hearing all of the parties presenting themselves to be heard, it is ordered that the said territory be incorporated as a village under said act, that the name of the incorporation be "Daggett;" that the first

election of said village be held in the office of the Daggett hotel on Tuesday, the 23d day of September, 1902, and that Paul Perrizo, Jr., John Dunham, Cyrus Walton, and Andrew Weng shall constitute a board of registration and act as inspectors of election of said first election.

Which motion was carried by the following aye and nay vote, viz.:

Ayes—Supervisors Beatson, Beechner, Fernstrum, Haggerson, Leisen, Nelson, Peterson, Radford, Sibenaler, Sieman, Sorenson, Swanson, and Walton.—13. Nays—Phillips, H.—1.

Menominee, August 26, 1902.

F. S. NORCROSS,  
Clerk.

STATE OF MICHIGAN, } ss.  
County of Menominee. }

I, F. S. Norcross, clerk of the board of supervisors for the county and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of the part of the proceedings relating to the granting of the incorporation of the village of Daggett as appears of record and on file in my office. That I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof.

IN TESTIMONY WHEREOR, I have hereunto set my hand, and affixed the seal of said court, at the city of Menominee,  
[L. s.] this 18th day of September, A. D. 1902.

F. S. NORCROSS,  
Clerk.

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#### OAKLAND COUNTY.

In the matter of the incorporation of the village of Ortonville.

Moved and supported that the petitions for the incorporation of Ortonville be taken from the table. Carried.

To the Honorable Board of Supervisors:

Your committee to whom the matter of the application for the incorporation of the village of Ortonville was referred respectfully report that they have carefully considered the same and report that in their opinion the proceedings therein are regular and according to law.

FREDERICK WEILAND,  
LEROY N. BROWN,  
JOSEPH T. ALLEN.  
Committee.

Moved and supported the report be accepted and adopted. Carried.

WHEREAS, Not less than thirty legal voters residing within the territory hereinafter described have presented their petition for the incorporation of such territory as a village by name of Ortonville, and

WHEREAS, After hearing all parties who presented themselves to be heard, this board is satisfied that all the requirements of chapter 87 of the Compiled Laws of 1897 and the amendments thereto have been complied with, and that the territory described in said petition contain the population required by statute, it is ordered that the following described

territory situated in the township of Brandon, Oakland county, Michigan, to-wit: Commencing at a point in the north and south town line between the townships of Brandon and Groveland in said county of Oakland, where the east and west quarter line of section number seven of said township of Brandon intersects said north and south town line and running thence south on said town line one mile, thence runnig east at right angles to said town line, one mile, thence running north parallel to said town line one mile, thence west one mile to place of beginning, be an incorporated village by the name of Ortonville.

It is further ordered that the first election shall be held on Monday, the tenth day of March, A. D. 1902, and that Barton G. Woolman, Edward Suhener, Edward H. Burt and Charles Prafrock, four discreet persons, residents of the above described territory and qualified voters therein, shall constitute a board of registration for such first election to be held in said village and who shall act as inspectors of election at said first election.

Moved and supported that the resolution be adopted. Carried.

Moved and supported that the board reconsider the vote by which the resolution was adopted. Carried.

Moved and supported that the resolution be adopted by an aye and nay vote. Carried.

Moved and supported that Brandon supervisor, Jones, be excused from voting. Carried.

Aye—Allen, Bingham, Brown, Cuthbert, Davis, Fisher, Gardner, Greer, Gibbs, Hogle, Mitchell, Miller, Porter, Power, Sibley, Spooner, Tanner, Thurston, Weiland, Wright.

STATE OF MICHIGAN, } ss.  
County of Oakland. }

I, Floyd B. Babcock, deputy clerk of the county of Oakland, and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of all the proceedings of board of supervisors in relation to the incorporation of Ortonville with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

[L. s.] IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court and county, this 21st day of August, A. D. 1902.

FLOYD B. BABCOCK,  
Deputy Clerk.

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#### VAN BUREN COUNTY.

In the matter of the incorporation of the village of South Haven as a city of the fourth class.

Meeting of the council of the village of South Haven at the council rooms in the town hall in said village on Thursday, the thirteenth day of March, A. D. 1902, at 8 o'clock in the afternoon.

**Present**—W. G. Packard, president, Geo. C. Monroe, Robert Payne, Jay C. Arnold, Jacob Niffenegger, W. W. Hodge and W. J. Newcome, members of the council.

Jay C. Arnold presented the following resolution, to-wit:

WHEREAS, At an election held on Monday the tenth day of March, A. D. 1902, of the electors of the village of South Haven, Van Buren county, Michigan, the question as to whether said village should be incorporated as a city of the fourth class under the provisions of act No. 215 of the Session Laws of 1895 of the State of Michigan, was submitted to a vote of the electors of said village, and

WHEREAS, Said votes have been canvassed by the inspectors of election, and

WHEREAS, It appears from said canvass that a majority of those voting upon the question of such incorporation voted for city incorporation; therefore be it

Resolved, That we, the council of the village of South Haven, do determine that a majority of all the votes legally cast at said election upon the question of said incorporation were given for the incorporation; and be it

Further resolved, That in accordance with the said vote, the said village shall be and is incorporated as a city of the fourth class by the name of "The City of South Haven."

Jay C. Arnold moved the adoption of the foregoing resolution, which motion was supported by Robert Payne and submitted to a vote of the council which resulted as follows:

Yea—Trustees Arnold, Hodge, Monroe, Newcome, Niffenegger, Payne.  
Nays—None. Motion was declared carried.

W. G. PACKARD,  
President of the Village of South Haven.

A. RYALL,  
Clerk of the Village of South Haven.

**STATE OF MICHIGAN,** |  
County of Van Buren, } ss.  
Village of South Haven.

We, William G. Packard, president of the village of South Haven, Michigan, and A. Ryall, clerk of said village, do hereby certify that the foregoing is a true and compared copy of the record of the proceedings of the meeting of the council of the said village of South Haven, and of the resolution offered and passed at said meeting.

WITNESS our official signature and the seal of the said village of South Haven, this thirteenth day of March, A. D. 1902.

[L. S.] 1902.

W. G. PACKARD,  
President.  
A. RYALL,  
Clerk.

## WAYNE COUNTY.

### In the matter of the incorporation of the village of Ecorse.

On the 28th day of October, A. D. 1902, being the 14th day of the annual session of the board of supervisors of Wayne county, Michigan, the following resolution was adopted.

Resolved, That an order be and the same is hereby made and granted to A. M. Salliotte and other petitioners, being legal voters, residing within that portion of Ecorse township, Wayne county, Michigan, hereinafter described, to incorporate and hereby incorporating said territory as a village under the name of the village of Ecorse, in accordance with "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," being act No. 3 of the Public Acts of 1895 of the State of Michigan and acts amendatory thereto.

Said territory is described as follows:

Beginning at the intersection of the center line of the Ecorse river with the harbor line of the Detroit river, thence westerly along the center line of the Ecorse river to the westerly line of the Lake Shore & Michigan Southern Railway Company's right of way; thence northerly along the westerly line of the right of way of said Lake Shore & Michigan Southern Railway to a point nine hundred and fifty-five (955) feet south of the northerly line of Cora avenue if extended to meet the westerly line of said Lake Shore & Michigan Southern Railway; thence easterly along a line parallel to said Cora avenue to the easterly line of private claim four hundred and ninety-six (496); thence northerly along easterly line of said private claim four hundred and ninety-six (496) to the southerly boundary line of the village of River Rouge; thence easterly along the southerly boundary line of the village of River Rouge to the harbor line of the Detroit river; thence in a southerly direction along the harbor line of the Detroit river to the intersection of Ecorse river with the said harbor line of the Detroit river being the place of beginning. Said territory being situated in the township of Ecorse, Wayne county, Michigan, containing more than a square mile of land and a resident population of more than three hundred persons.

And be it further resolved, That the date for the first election of village officers in and for said village of Ecorse, be, and the same is hereby fixed for Monday, the first day of December, A. D. 1902. The polls of said election to be opened from seven o'clock in the morning to five o'clock in the afternoon of said day. Said election to be held at Ecorse band hall in said proposed village of Ecorse; and this board doth appoint Alfred C. Bouchard, Francis J. Montie, Gustav Daupp and Elmer R. Labadie, four discreet persons legally qualified and residing within said territory, as inspectors of election at said election, and to constitute a board of registration and a board of election commissioners, for the first election in and for said village of Ecorse.

Resolution by Supervisor Benton, supported by Supervisor Alfred C. Bouchard.

**By Supervisor Weiler:**

Moved the report of the committee and resolution be referred to a committee of seven to be appointed by the chairman.

Which was lost by the following vote:

Yea—Supervisors Campbell, Deimel, Hartz, Houghton, Jerome, McGuire, Marx, Megges, Moeller, Mohn, Nevermann, Reinhardt, Root, Rutter, Smith, Steiger, Stiles, Weibel, and Weiler.—19.

Nay—Supervisors Atyeo, Benton, Bouchard, Burnham, Burns, Chilson, Codd, Crowley, Day, Denio, DeLisle, Hurst, Jones, Keating, King, Koch (Louis), Lynch, Monaghan, Nash, Tossy, Trombley, Underwood, Vernier, Weber, and the Chairman.—25.

**By Supervisor Bouchard:**

Moved the report be received and the accompanying resolution be adopted.

Which was adopted by the following vote:

Yea—Supervisors Atyeo, Benton, Bouchard, Brown, Burnham, Chilson, Codd, Crowley, Day, Deimel, Denio, DeLisle, Houghton, Hurst, Jerome, Keating, King, Koch (Louis), Lynch, McGuire, Marx, Megges, Monaghan, Nash, Reinhardt, Root, Smith, Steiger, Stiles, Tossy, Trombley, Underwood, Vernier, Weber, Weibel, Weiler and the Chairman.—38.

Nay—Supervisors Campbell, Hartz, Moeller, Mohn, Nevermann, and Rutter.—6.

**STATE OF MICHIGAN,** } ss.  
County of Wayne.

I, Wm. H. McGregor, clerk of Wayne county, and clerk of the circuit court for the county of Wayne, do hereby certify, that the above and the foregoing is a true and correct copy of official proceedings of the board of supervisors as to the incorporation of and showing boundaries of the village of Ecorse entered in the above entitled cause by said court, as appears of record in my office. That I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
[L. S.] affixed the seal of said court and county, at Detroit, this  
6th day of Nov., A. D. 1902.

WM. H. McGREGOR,  
Clerk.

By CLINTON L. WILCOX,  
Deputy Clerk.

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**WAYNE COUNTY.**

In the matter of the incorporation of the village of Ford.

On October 21st, 1902, being the eighth day of the annual meeting of the board of supervisors for the county of Wayne, Michigan, the following resolution was submitted:

Resolution by Supervisor Benton:

Resolved, That an order be, and the same is hereby made and granted to C. N. Gore and other petitioners, being legal voters residing within

that portion of Ecorse township, Wayne county, Michigan, hereinafter described, to incorporate, and hereby incorporating said territory as a village, under the name of the village of Ford, in accordance with "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," and being act No. 3, of the Public Acts of 1895 of the State of Michigan and acts amendatory thereto. Said territory is described as follows:

The said territory is in the township of Ecorse, Wayne county, Michigan, and is bounded and described as follows, to wit: Beginning at a stake standing in the center of the North Line road, so called, intersects with the quarter section line of section number twenty (20), running thence north along said quarter section line to the Goddard road, so called, and from thence due north across section twenty (20) and through private claims 112, 179, 121, and 169 and across private claim one hundred and thirteen (113) to the center of the south branch of the River Ecorse, thence in a northeasterly direction along the center thereof to the center of the River Rouge, thence easterly along the center of said river to the harbor line of Detroit river, thence southerly along the harbor line of said Detroit river to a point where the same intersects the northerly limits of the city of Wyandotte, and thence west along the northerly limits of the city of Wyandotte in the center of the North Line road, so called, to the place of beginning; said territory as above bounded and described being situated in the township of Ecorse, Wayne county, Michigan, and containing more than a square mile of land.

1st. In the granting of this order, this board determines that the said territory contains more than a square mile of land, to wit: seven hundred (700) acres.

2d. That the said territory contains a population of more than three hundred (300) inhabitants residing therein, to wit: eleven hundred.

3d. That the said territory is not included within the limits of any incorporated village, but is located in the township of Ecorse, Wayne county, Michigan.

4th. That a proper census of the inhabitants of said village has been taken, as required by law.

5th. That all notices necessary to be published and posted, have been published and posted according to the provisions of the law, relative to the incorporation of villages, and that all acts and things required to be done or performed, precedent to and necessary to the incorporation of said village have been done and performed, according to law.

And be it further resolved, That the date for the first election of village officers, in and for the said village of Ford, be, and the same is hereby fixed for Friday, the fifth day of December, A. D. 1902; the polls of said election to be open from seven o'clock in the morning to five o'clock in the evening of said day. Said election to be held in the office of Justice Wm. G. Perry, on Miller street, in the said proposed village of Ford. This board doth appoint Columbus Sansouci, Selah Sanderson, Wm. Jones and Joseph Bomya, four discreet persons, legally qualified, and residing within the said territory, as inspectors of said election, at said first election, and to constitute a board of registration for the first election in and for said village of Ford.

And on the 28th day of October, A. D., 1902, being the 14th day of the annual session of the board of supervisors for Wayne county, Michigan, the following resolutions were offered:

**By Supervisor Bouchard:**

Moved the resolution relative to the incorporation of the village of Ford be taken from the table. Which was adopted by the following vote:

Yea—Supervisors Atyeo, Benton, Bouchard, Brown, Burnham, Chilson, Day, Denio, DeLisle, Hurst, Jones, King, Koch (Louis), Lynch, McGuire, Nash, Root, Stiles, Trombley, Underwood, Vernier, Weber, and the Chairman.—23.

Nay—Supervisors Campbell, Deimel, Houghton, Marx, Megges, Moeller, Mohn, Neverman, Rutter, Steiger, Weibel and Weiler.—12.

**By Supervisor Bouchard:**

Moved the report be received and the resolution adopted. Which was adopted by the following vote:

Yea—Supervisors Atyeo, Benton, Bouchard, Burnham, Chilson, Crowley, Day, Denio, DeLisle, Houghton, Hurst, Jones, King, Koch (Louis), Lynch, McGuire, Marx, Nash, Root, Steiger, Stiles, Trombley, Underwood, Vernier, Weber, and the Chairman.—27.

Nay—Supervisors Campbell, Deimel, Hartz, Megges, Moeller, Mohn, Nevermann, Rutter, and Weibel.—9.

**STATE OF MICHIGAN,** } ss.  
County of Wayne.

I, Wm. H. McGregor, clerk of Wayne county, and clerk of the circuit court for the county of Wayne, do hereby certify, that the above and the foregoing is a true and correct copy of official proceedings of the board of supervisors as to the incorporation of and showing boundaries of the village of Ford entered in the above entitled cause by said court, as appears of record in my office. That I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
[L. S.] affixed the seal of said court and county, at Detroit, this  
6th day of Nov., A. D. 1902.

WM. H. McGREGOR,  
Clerk.

By CLINTON L. WILCOX,  
Deputy Clerk.

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## WAYNE COUNTY.

In the matter of the incorporation of the village of River Rouge.

**Resolution by Supervisor Benton:**

Resolved, That an order be, and the same is hereby made and granted to Daniel D. Barron and Fred L. Labadie, being president and clerk respectively of the village of River Rouge, Wayne county, Michigan, petitioners on behalf of the common council of said village, to alter and hereby altering the boundaries of said village by annexing and adding to said village certain territory adjoining and adjacent to the present boundaries of said village and hereinafter described and bounded, in accordance with "An act to provide for the incorporation of villages within

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the State of Michigan and defining their powers and duties," being act No. 3 of the Public Acts of 1895 of the State of Michigan, and acts amendatory thereof; and said territory is hereby annexed and added to and as a part of the said village of River Rouge.

In granting this order this board determines:

1st. That the said territory is adjacent and adjoining to the boundaries of the said village of River Rouge.

2d. That said territory is not included within the limits of any incorporated village, but is located in the township of Ecorse, Wayne county, Michigan.

3d. That all the notices necessary to be published and posted have been published and posted according to the provisions of the law relative to the annexation of territory to villages within the State of Michigan, and that all acts and things required to be done or performed, precedent to and necessary to the alteration of the boundaries of said village, and the annexation of the territory hereinafter described, have been done and performed according to law.

Said territory is described and bounded as follows: Bounded on the north by the southerly limits of the village of River Rouge, as originally incorporated; on the west by the westerly line of the Lake Shore & Michigan Southern Railway Company's right of way; on the south by a line commencing at a point on the westerly line of the Lake Shore & Michigan Southern Railway Company's right of way 955 feet southerly from the intersection of the northerly line of Cora avenue, extended westerly to intersect the said westerly line of the Lake Shore & Michigan Southern Railway Company's right of way; running thence easterly in a straight line parallel to the said northerly line of Cora avenue to the easterly line of private claim 496, township of Ecorse; running thence northerly along said easterly line of private claim 496 to intersect a straight line drawn from the northwest corner of lot seven (7) to private claim 42 in a westerly direction to a point where the northerly line of Cora avenue intersects the westerly line of River Road in said township of Ecorse; running thence easterly along said line drawn as above mentioned to the northwest corner of lot seven (7), private claim 42; running thence northerly along the westerly line of lot eight (8) of said private claim 42 to the northwest corner of said lot eight (8); running thence easterly along said northerly line of lot eight (8), private claim 42, to the Detroit river; and bounded on the east by the Detroit river.

This board doth fix, establish and declare the boundaries of the village of River Rouge as follows: Bounded on the north by the River Rouge; on the west by the River Rouge and the westerly line of the Lake Shore & Michigan Southern Railway Company's right of way; on the south by a line commencing at a point on the westerly line of the Lake Shore & Michigan Southern Railway Company's right of way 955 feet southerly from the intersection of the northerly line of Cora avenue, extended westerly to intersect the said westerly line of the Lake Shore & Michigan Southern Railway Company's right of way; running thence easterly in a parallel line to the said northerly line of Cora avenue to the easterly line of private claim 496, township of Ecorse; running thence northerly along said easterly line of private claim 496 to intersect a straight line drawn from the northeast corner of lot seven (7), private claim 42, township of Ecorse, in a westerly direction to a point where the northerly line of Cora avenue intersects the westerly line of River Road, in said town-

ship; running thence easterly along said line drawn as above mentioned to the northwest corner of lot seven (7), private claim 42; running thence northerly along the westerly line of lot eight (8), private claim 42, to the northwest corner of said lot eight (8); running thence easterly along the northerly line of said lot eight (8) to the Detroit river; and bounded on the east by the Detroit river.

The clerk of this board is hereby directed to spread this resolution upon the records of the proceedings of this body, and to certify a copy thereof to the Secretary of State for the State of Michigan, and the village clerk of the village of River Rouge.

Dated, October 28th, A. D. 1902.

Supported by Alfred C. Bouchard.

By Supervisor Bouchard:

Moved the report be received and the accompanying resolution adopted. Which was adopted by the following vote:

Yea—Supervisors Atyeo, Benton, Bouchard, Brown, Burnham, Chilson, Crowley, Day, Denio, DeLisle, Hartz, Houghton, Hurst, Jerome, Jones, King, Keating, Koch (Louis), Lynch, Marx, Megges, Nash, Nevermann, Root, Rutter, Smith, Steiger, Stiles, Tossy, Trombley, Underwood, Vernier, Weber, Weibel, Weiler, and the Chairman.—36.

Nays—Supervisors Campbell, Deimel, Moeller and Mohn.—4.

STATE OF MICHIGAN, } ss.  
County of Wayne.

I, Wm. H. McGregor, clerk of Wayne county, and clerk of the circuit court for the county of Wayne, do hereby certify, that the above and the foregoing is a true and correct copy of order by the board of supervisors in annual session of 1902 as to the annexation of territory to the village of River Rouge entered in the above entitled cause by said court, as appears of record in my office. That I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof.

[L. s.] IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court and county, at Detroit, this 12th day of Nov., A. D. 1902.

WM. H. McGREGOR,  
Clerk.

By CLINTON L. WILCOX,  
Deputy Clerk.

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## WAYNE COUNTY.

In the matter of the incorporation of the village of Sibley.

To the Honorable the Board of Supervisors of the County of Wayne:

We, the undersigned legal voters and residents within the territory hereinafter described, hereby respectfully petition and make application to your honorable body for the incorporation of a village to be called Sibley, within that territory in the township of Monguagon, county of Wayne and State of Michigan, which is bounded as follows, to wit: The

east and west center line of sections five and six of Monguagon township on the north; the Detroit river on the east; George street of Trenton village and the line of George street as extended westerly on the south, and a line 600 feet west of and parallel to the right of way of the Lake Shore & Michigan Southern Railroad Company on the west.

And we respectfully represent that said territory contains more than one square mile of area and a resident population of more than three hundred persons, viz., four hundred and fifty-six, according to an accurate census caused to be made by your petitioners. Thomas Smith and others. By Supervisor Lynch:

Resolved, That the village of Sibley, in the township of Monguagon, be and hereby is granted the powers of incorporation with boundaries fixed according to the original plat named in the prayer of the petitioners; and be it further

Resolved, That the date of the first election of village officers in and for said village of Sibley be and the same is hereby fixed for Friday, the eighth day of August, A. D. 1902. The polls of said election to be open from 7 o'clock in the morning to 5 o'clock in the afternoon. Said election to be held at the office of the Sibley Quarry Co., in said proposed village of Sibley, and this board doth appoint Henry Barron, Daniel Cummings, Thomas Smith and Joseph La Belle, four discreet persons legally qualified and residing within the said territory, as inspectors of election at said first election, and to constitute a board of registration for the first election in and for said village of Sibley.

By Supervisor Lynch:

Moved the report be received and the resolution be adopted. Which was adopted by the following vote:

Yeas—Supervisors Atyeo, Benton, Bouchard, Brown, Burnham, Buckley, Campbell, Chilson, Day, Dederichs, DeLisle, Freda, Hurst, Jerome, Jones, King, Koch (Louis), Koenig, Lemke, Lynch, McGuire, Megges, Moeller, Monaghan, Nash, Nevermann, Root, Stiles, Tossy, Underwood, Vernier, Weber, Weibel, and the Chairman.—34.

Nays—Supervisors Codd, Crowley, Haarer, Houghton, Joy, Keating, Liphardt, Rutter, Steiger.—9.

STATE OF MICHIGAN, } ss.  
County of Wayne.

I, Wm. H. McGregor, clerk of Wayne county, and clerk of the circuit court for the county of Wayne, do hereby certify, that the above and the foregoing is a true and correct copy of a portion of petition and resolution of board of supervisors, in session June 24th, 1902, granting permission to incorporate the village of Sibley, entered in the above entitled cause by said court, as appears of record in my office. That I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof.

[L. s.] IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court and county, at Detroit, this 10th day of July, A. D. 1902.

WM. H. McGREGOR,  
Clerk.  
By CLINTON L. WILCOX,  
Deputy Clerk.

## WAYNE COUNTY.

In the matter of the incorporation of the village of St. Clair Heights.

To the Honorable, the Board of Supervisors:

Gentlemen—Your special committee, to whom was referred the petition of Edward A. Newberry et al. for the incorporation of a village, to be known as the village of St. Clair Heights, and also the remonstrance against said incorporation presented by various parties, beg leave to report that they have carefully considered this matter and have listened to the arguments for and against said incorporation, and, after careful consideration, believe that the said territory should be incorporated into a village, and therefore recommend that the prayer of the petitioners for said incorporation be granted, and herewith offer the following resolution.

Respectfully submitted, Geo. P. Codd, Patrick O'Brien, Maurice J. Keating, Edmund C. Vernier.

Detroit, Mich., October, 1903.

Resolutions by Supervisor Codd:

WHEREAS, Upon the 12th day of October, 1903, an application was made to this body by petition of Edward A. Newberry and others, being legal voters residing within the territory hereinafter described and bounded, praying for the incorporation of said territory as a village, to be known as the village of St. Clair Heights; and

WHEREAS, The advisability of incorporating such territory as a village has been considered by this board.

Therefore, Be it resolved, That an order be and the same is hereby made and granted to Edward A. Newberry and other petitioners, being legal voters residing within that portion of Gratiot and Grosse Pointe townships, Wayne county, Michigan, more particularly hereinafter described and bounded, to incorporate and hereby incorporating said territory as a village under the name of "The Village of St. Clair Heights," in accordance with the provisions of "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," being act No. 3 of the Public Acts of 1895, of the State of Michigan, and known as chapter 87 of the Compiled Laws of the State of Michigan of 1897, and acts amendatory thereof. Said territory being described as follows: All that territory situate in the townships of Gratiot and Grosse Pointe, in said county and State, and more particularly bounded and described as follows: Beginning at the point of intersection of the center line of the Butler road, so called, with the easterly line of the city of Detroit; thence easterly along said center line of the Butler road to the point of intersection of said center line of the Butler road with the westerly shore line of Connors creek; thence in a southerly direction following said westerly shore line of Connors creek to the point of intersection of said westerly shore line of Connors creek with the center line of the Shoemaker road; thence in a southwesterly direction along the center line of said Shoemaker road to the point of intersection of said center line of the Shoemaker road with the easterly line of private claim 26; thence southerly along the easterly line of said private claim 26 to the point of intersection of said easterly line of

private claim 26 with the northerly line of the village of Fairview; thence westerly along said northerly line of the village of Fairview to the easterly limits of the city of Detroit; thence northerly following the line of the easterly limits of the city of Detroit to the place of beginning, containing in all more than a square mile of land. In making and granting this order this board determines: That it is advisable to incorporate all of the said above described territory as a village, under the name of "The Village of St. Clair Heights," and the same shall be an incorporated village under said name. That said territory contains and comprises more than a square mile of land and is not, nor is any portion thereof, included within the limits of any incorporated village. That an accurate census has been taken of the population of said territory, and that said territory contains more than the number of persons required by law for the incorporation thereof. That the proper notices of the application for the incorporation of said territory have been given, posted and published as required by law, and that all the requirements of the law relating to the incorporation of villages have been complied with.

And be it further resolved, That the date for the first election of village officers in and for said village of St. Clair Heights, be and the same is hereby fixed for Tuesday, the first day of December, 1903. The polls of said election to be kept open from 7 o'clock in the morning until 5 o'clock in the afternoon of said day. Said election to be held at the factory of Reuben Walters on the east side of Park avenue, north of Mack avenue, in the territory hereby incorporated as "The Village of St. Clair Heights," and this board doth appoint Reuben Walters, Michael O'Doherty, Edward Hengstebeck and Albert Miller, four discreet persons, legally qualified electors, residing within the hereinbefore described territory, as inspectors of election at said first election, and to constitute a board of registration for the first election, to be held in and for said village of St. Clair Heights.

That the clerk of this body is hereby directed to enter this order in the record of the proceedings of this board.

By Supervisor Wiever:

Moved the report and the accompanying resolution be received, printed in the proceedings and laid on the table.

Which was adopted by a viva voce vote.

STATE OF MICHIGAN, } ss.  
County of Wayne. }

I, Wm. H. McGregor, clerk of Wayne county, and clerk of the circuit court for the county of Wayne, do hereby certify that the above and the foregoing is a true and correct copy of board of supervisors' proceedings of re the incorporation of the village of St. Clair Heights entered in the above entitled cause by said court, as appears of record in my office. That I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
[L. S.] affixed the seal of said court and county, at Detroit, this  
30th day of Oct., A. D. 1903.

WM. H. McGREGOR,

Clerk.

By S. K. HARVEY.

Deputy Clerk.

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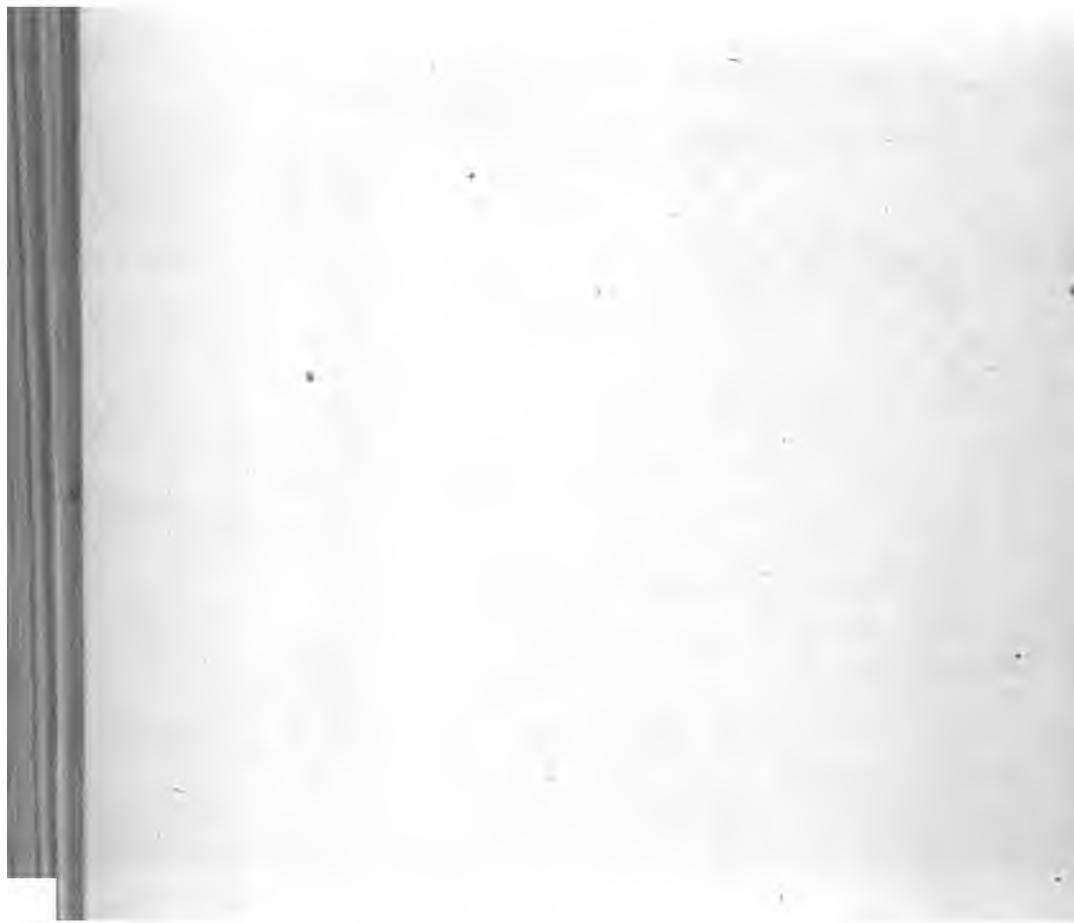
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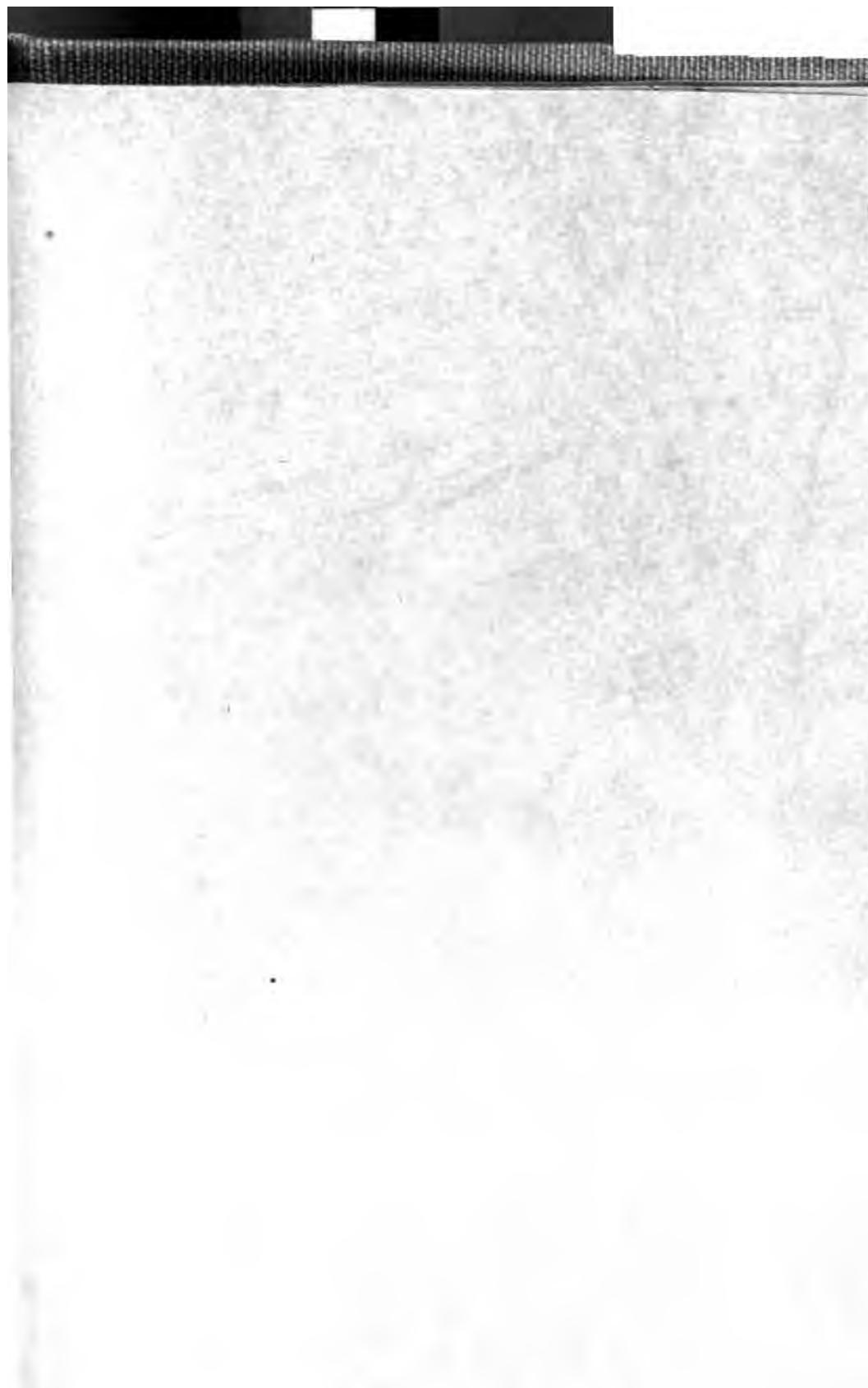
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